

By Mr. UNDERHILL: Petition of Local Elmira Heights (N. Y.) Socialist Party, favoring maintaining strict neutrality by United States Government in European war; to the Committee on Foreign Affairs.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of citizens of Chaffee, N. Dak., protesting against war tax on gasoline; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, September 23, 1914.

The Senate met at 12 o'clock meridian.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, we trust, in a spirit of worship and of obedience and of true reverence for Thy holy name. If we have been enabled to think in the terms of truth, it is because of the revelation Thou hast made to us. If we abide in the spirit of brotherhood, it is by the inspiration of Thy own spirit. If we are able to discern the right from the wrong, it is because Thou hast made known unto us Thine own eternal and changeless will. From Thee cometh every good and perfect gift. Thou art the author of all truth and of all life. We worship Thee. We pray that Thy holy presence may be with us and that Thou wilt guide us in the performance of every duty of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 18, 1914, when, on request of Mr. LEA of Tennessee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### THE POTTERY INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting a copy of a summary of results in the inquiry into the cost of production in the pottery industry, etc., together with a copy of a letter sent by him to the President of the United States explanatory thereof, which, with the accompanying papers, was referred to the Committee on Finance.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16138) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against legislation providing for Government ownership and operation of merchant vessels in the foreign trade of the United States, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Erie and Valencia, in the State of Pennsylvania; of New Concord, Ohio; of Boyden, Iowa; of Decatur, Ill.; of Fond du Lac, Wis.; of Walton, N. Y.; and of Albuquerque, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram, in the nature of a memorial, from 80 theater and moving-picture owners in session September 22 in Seattle, Wash., vigorously remonstrating against the passage of the bill licensing theaters \$100 yearly under the new emergency tax bill. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES presented a petition of sundry citizens of the District of Columbia, praying for the passage of the omnibus claims bill, which was ordered to lie on the table.

Mr. PERKINS presented memorials of sundry wine growers of San Jose, Napa, Healdsburg, and Sacramento, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Mines and Oil of Los Angeles, Cal., praying for the enactment of legislation to suspend the operation of the mining laws requiring annual labor for 1914, which was referred to the Committee on Mines and Mining.

He also presented a telegram in the nature of a petition from V. S. McClatchy, president of the California Reclamation Board,

of Sacramento, Cal., praying for the retention of the Sacramento River project in the river and harbor bill, which was ordered to lie on the table.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the enactment of legislation to suspend the navigation laws, which was referred to the Committee on Commerce.

He also presented petitions of Tent No. 26, Knights of Macabees, of San Diego; of Street Car Men, of Oakland; of Local Lodge No. 18, Fraternal Brotherhood, of San Diego; and of the West Side Literary Society, of Los Angeles, all in the State of California, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented memorials of sundry citizens of Pine, Carlton, Washington, and Hennepin Counties, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against the proposed increase in revenue tax on cigars, which was referred to the Committee on Finance.

He also presented a memorial of the International Bowling Association, of St. Paul, Minn., remonstrating against an internal-revenue tax on bowling alleys, which was referred to the Committee on Finance.

He also presented a petition of the officers of the Philippine Scouts, praying for the enactment of legislation providing for their retirement the same as officers of the Regular Army, which was referred to the Committee on Military Affairs.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 6517) granting an increase of pension to Daniel W. Smith (with accompanying papers); and

A bill (S. 6518) granting an increase of pension to Charlotte A. Crowell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 6519) to amend an act entitled "An act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act"; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 6520) temporarily reducing salaries of persons in Federal service.

The VICE PRESIDENT. To what committee will the Senator from Texas have the bill sent?

Mr. SHEPPARD. I have made the notation on the bill that it go to the Committee on the Judiciary.

The VICE PRESIDENT. Why ought it not to go to the Committee on Civil Service and Retrenchment?

Mr. SHEPPARD. That reference is entirely satisfactory to me.

The VICE PRESIDENT. The bill will be referred to the Committee on Civil Service and Retrenchment.

By Mr. McLEAN:

A bill (S. 6521) granting an increase of pension to Ellen Garlick (with accompanying papers);

A bill (S. 6522) granting an increase of pension to Carrie M. Case (with accompanying papers); and

A bill (S. 6523) granting an increase of pension to Sarah E. H. Bartlett (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6524) granting an increase of pension to Amanda Baxter (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6525) for the relief of Randall H. Trotter; to the Committee on Military Affairs.

A bill (S. 6526) for the relief of the heirs of James Newman (with accompanying papers); to the Committee on Claims.

### UNITED STATES RAILWAY CO.

Mr. JONES. I have the draft of a bill which seems to have been prepared with considerable care. It was sent to me by a gentleman whom I know. It relates to a very important matter. I desire to introduce the bill by request, in order that it may

have such consideration as it merits before the Committee on Interstate Commerce.

The bill (S. 6516) to merge all railroads of the United States, to become the property of a railroad corporation to be known as the United States Railway Co., was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. JONES. In connection with the bill I ask leave to print in the RECORD the letter transmitting it to me.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

NEW YORK, September 21, 1914.

Hon. WESLEY L. JONES,

United States Senate, Washington, D. C.

SIR: The European war is an issue to determine the supremacy of navalism in a struggle for the supreme mastery of the commerce of the seas versus militarism of continental Europe. We as a Nation are commanded to pay tribute and abide the pleasure of their wars.

In the first instance, this Nation is essentially, directly, and vitally interested; in the second, this Nation's interest is remote, resting wholly in the general good for humanity.

Ever mindful of our Anglo-Saxon identity, we are, withal, free-born men, and hold within our keeping the sacred obligation—each man—to safeguard the heritage vouchsafed us by our ancestors. It is with some misgiving we stand aloof and look upon our public officials, intrusted with the care and preservation of our Nation's property, who, to smooth and palliate the irritated state of foreign power, give gratuitously the grandest engineering achievement of this period, that which was designed and destined to be a heritage to millions of your countrymen yet unborn, the Panama Canal.

Again, you have been recently petitioned, the Executive and, in part, the Senate, to cede to Great Britain that little tongue of land running coastwise from Alaska south, in order to remove the cause of irritation to Great Britain. And now we find, alas, the Nation's patriots play with and grow fat upon the Nation's currency, conceiving and designing plans wherewith to uphold and protect the national securities.

This country was but recently introduced to a scheme whereby \$5,000,000,000 in United States Treasury notes should be issued and utilized by the financiers to maintain the credit of these national or American securities, which are chiefly held in England, France, and Belgium. The only practical service to which these Treasury notes could have been put would have been to deplete the National Treasury of its gold reserve, compelling the Government to float Federal bonds, and this indefinitely. This scheme having been blocked, we find the Treasury approached from a different angle, although by the same wolf; that is, by means of debenture bonds. Also, is the Nation encroached upon through the representatives of our railway presidents, who are now before the altar of authority pleading their cause for an advance in the tariffs, which act is concurred in by our honorable President, offering in their prayer the argument that it is essential that the credits of American securities should be maintained, alleging that their difficulties rest with them by reason of this European war.

The argument that the war in Europe is sufficient cause to justify the rearrangement of the tariffs whereby the interest and dividends on the foreign-held American securities may be maintained is not valid, thoroughly unpatriotic, and ought not for a moment to be tolerated.

Legislation is a sacred trust. Its purpose is for the common good; then may you permit me to present the accompanying proposed railway merger bill that the same may be presented to the Senate, and through its service relieve the conscience of our patriotic financiers.

This proposed bill has, as its essential feature, the specific narcotic for the irritation with which the foreign power is afflicted as well as for our patriotic financial operators. It readjusts the financial basis of the railway systems; reducing the total bonded and stock indebtedness of approximately \$30,000,000,000 to \$8,000,000,000; it causes, by a system of tax, an equitable distribution of the total stock issued of the proposed United States Railway Co. to Americans or those sojourning in this country; it imposes the adjustment of labor disputes by arbitration; it provides a uniform tariff throughout the country, the minimum rate in the most densely populated to be the maximum in the thinly settled sections; it will reduce the tariff in general, approximately saving to the general public \$1,000,000,000 annually; it provides the development of new territory at the rate of 5,000 miles of railroad yearly if justified; it provides a means whereby the employees may acquire from their earnings the stock control of the system they operate; it establishes the agency of the American merchant marine to operate in conjunction with the railway service.

In the liquidation of the bond and stock securities of the railways, referred to in section 1 of the proposed bill, a period of 10 years is provided in which the holders of said securities may readjust their investments in lands and in developing the national resources of our country, essentially enforcing prosperity on every hand and at the same time incurring no loss to the investors.

Sincerely,

EDWARD BUCKLEY.

RURAL CREDITS.

Mr. HOLLIS. I desire to give notice that to-morrow morning, after the close of routine business, I shall make some brief remarks on the subject of rural credits.

INTERNATIONAL CONGRESS ON EDUCATION.

Mr. PERKINS. I introduce a joint resolution, and ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 187) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education, was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint honorary vice presidents and otherwise participate in the International Congress on Education, to be held at Oakland, Cal., August 16 to 27, 1915, in connection with the Panama-Pacific International Exposition: Provided, That no appropriation shall be granted at any time hereafter in connection with said congress.

TIME-MEASURING DEVICES, ETC., IN GOVERNMENT EMPLOY.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. Mr. President, before the close of morning business I desire to ask the indulgence of the Senate for a few moments with reference to some petitions which I want to present.

There is pending before the Senate the bill (S. 5826) to prevent the use of the stop watch or other time-measuring devices on Government works and the payment of premium or bonus to Government employees, and for other purposes.

In this bill a great many employees of the Government are interested one way or the other, and they have assumed to petition concerning the bill. I ask leave to have printed in the RECORD the bill in connection with my remarks.

The VICE PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

The bill, introduced by Mr. BORAH June 12, 1914, is as follows:

A bill (S. 5826) to prevent the use of the stop watch or other time-measuring device on Government work and the payment of premium or bonus to Government employees, and for other purposes.

Be it enacted, etc., That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to make or cause to be made with a stop watch or other time-measuring device a time study of the movements of any such employee.

Sec. 2. That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to use the results or records obtained by a stop watch or other time-measuring device in determining what amount of work or labor is to be done in a given time by such employee.

Sec. 3. That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to pay or cause or allow to be paid to any employee of the United States Government any premium or bonus as wages or otherwise: Provided, That the terms "premium" or "bonus" as herein used shall not be construed to include any cash reward paid any employee under authority of law for suggestions, patents, or devices resulting in improvement or economy in the operation of the plant in which he is employed.

Sec. 4. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 5. That this act shall take effect upon its passage.

Mr. BORAH. Preliminary to the suggestions which I desire to make, I wish to read a provision from the Constitution of the United States which some of those connected with this matter seem to have overlooked:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

No man, whether in the employ of the Government or in private life, should ever be denied the right of petition. The right of petition is a foundation stone in free government. But it is even worse to deny an employee of the Government the right of petition, for he is in a place of even less freedom than the private citizen.

I am informed by a number of letters and by newspaper reports that Mr. Alexander H. Stephens, general superintendent of the Railway Mail Service, has stated publicly that he will discharge every employee of the Government who assumes to put his name upon this petition. I do not know Mr. Stephens, neither do I desire to do any man an injustice, but the evidence is accumulating so fast that this statement has been made that it has become interesting to know whether or not it is true.

Mr. Stephens is reported to have said at a banquet in Indianapolis on the Thursday evening prior to September 14:

Petitions are now being circulated to be sent to Congressmen and Senators saying that the efficiency system is for the purpose of keeping men from being promoted. This is absolute falsehood, and every man who signs such a petition will be brought up before me for removal. We will punish every clerk who lies about the service.

Since the statement or the purported statement of Mr. Stephens I have received a great many letters, all of which I am going to file with the Committee on Education and Labor, in order that it may be advised fully as to the facts. These letters state or leave the stone of inference that while the writers are in favor of this bill and believe that it is a good measure, by reason of the danger in which they have been placed of losing their positions they desire to have their names erased from the petitions. I have one letter here, sent from Richmond, Ind., which says:

Sir: Owing that there might be some delay in your receiving my letter of the 5th instant, I again address you in regard to your bill now pending in the committee relative to the speed test of all Government employees.

In my letter of the 5th I gave you my reasons for withdrawing my name from the list of indorsements, and hereby make my second request, so as to be sure you will receive it before it is too late. The department does not wish for us to indorse such a law, and I wish to give it

further consideration at present. Please have my name erased from the list.

I have also a letter which I received this morning—I do not know that I am able to put my hand upon it, but I will have it filed with the committee—in which the party leaves me to infer that he was present and heard the statement of Mr. Stephens, threatening to dismiss any employee who attached his name to this petition.

Now, with this statement I desire to have these petitions go to the Committee on Education and Labor and along with them these letters. I do not desire to say anything more in regard to it at this time, because it might be possible that Mr. Stephens has been misunderstood. In fact it has been conveyed to me that he has denied the statement which has been published in regard to it. I do not want to assail his conduct until the fact of his statement is placed beyond doubt.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment? Are not all these employees within the civil-service rules and could they be dismissed summarily, as has been suggested, or in any other way than by a complaint filed and an investigation of the charges made?

Mr. BORAH. They are all under the civil service, I understand, and can not be dismissed without a disregard of the civil-service law, but that law does not amount to much under such circumstances.

Mr. CHAMBERLAIN. I understand that Mr. Stephens is reported to have said that he would summarily dismiss any man who would sign the petition. The question in my mind was whether he would have the power to do that, even if he had the disposition to do it, without stirring up a hornet's nest all over the country among these particular employees.

Mr. BORAH. That is perhaps true, but I am now calling attention to a supposed situation that no one may act without an intimation of the future.

Mr. CHAMBERLAIN. It ought to be done.

Mr. BORAH. I think if that statement was made it is very unfortunate. That the employees should be denied the right to express their views with reference to a bill pending before the Senate of the United States is inconceivable to me. While I realize that Mr. Stephens could not of his own motion, simply out of hand, dismiss these men from the service, yet we all know that if the disposition was to get rid of them the civil-service law has never been quite sufficient to protect a man under those conditions, and they would ultimately go if they were undesirable employees.

Mr. JONES. Does not the Senator think it would be well to call upon the Post Office Department to ascertain whether Mr. Stephens did make any such statement?

Mr. BORAH. I thought of that, but I felt that with the filing of these petitions and letters and newspaper clippings with the committee that undoubtedly the Postmaster General would take cognizance of the fact, and that these men would be protected in their rights. I do not assume that the Postmaster General would indorse any such proposition, and it was for that reason that I called it to the attention of the Senate and the country. If I felt that the evidence was conclusive as to the position of Mr. Stephens, I would take an entirely different course from that which I do take, and perhaps express myself in a different way from what I do express myself; but I am willing that the matter shall go before the committee and that Mr. Stephens and the Postmaster General shall deal with it according to the facts.

The VICE PRESIDENT. The petitions and accompanying papers will be referred to the Committee on Education and Labor.

#### VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, if the morning business is closed, I move to take up Senate bill 392, Order of Business No. 209.

Mr. LEWIS. Is the morning business closed?

The VICE PRESIDENT. The morning business is closed.

Mr. WALSH. When we adjourned yesterday the Alaska coal bill was pending before the Senate, and by reason of the extreme character of the emergency which it is intended to remedy—

Mr. TOWNSEND. I realize that that is the unfinished business, and it will come up at 2 o'clock.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent for the present consideration of the following bill.

The SECRETARY. A bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who

served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. BRYAN. I object.

Mr. TOWNSEND. I move that the bill be taken up.

The VICE PRESIDENT. The Chair will have to call the attention of the Senator from Michigan to the rule.

Mr. LEWIS. In the meantime I ask the Senator from Michigan if the bill to which he alludes has passed through the committee on a favorable report and is on the calendar?

Mr. TOWNSEND. Yes, sir.

Mr. LEWIS. I confess ignorance myself. I am interested in the sentiment of the bill and am anxious to have it proceeded with.

Mr. TOWNSEND. It has been on the calendar for a long time and has been noted for a special hearing a good many times.

The VICE PRESIDENT. The Chair is in error about the rule. The rule is that—

Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the presiding officer, unless by unanimous consent.

So, the morning business having been concluded, the motion of the Senator from Michigan is in order, to proceed to the consideration of the bill. [Putting the question.] The ayes seem to have it.

Mr. BRYAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I am advised, however, that, if present, the Senator from Pennsylvania would vote as I am about to vote. I therefore vote. I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Nevada [Mr. NEWLANDS], and vote "nay." I make this announcement relative to my pair and its transfer to stand for the day.

Mr. JOHNSON (when his name was called). I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

I also wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES], and that he is paired with the junior Senator from Massachusetts [Mr. WEEKS]. I make this announcement for the day.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], which I transfer to my colleague [Mr. WORKS], and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. If he were present, he would vote "yea."

The roll call was concluded.

Mr. ROOT (after having voted in the negative). I voted, forgetting my pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and will allow my vote to stand.

Mr. GORE. I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON], but if it be necessary to make a quorum, I will vote "nay."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will let my vote stand.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] is detained from the city by the illness of his father.

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULPEPPER];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Has he voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. WILLIAMS. Then I shall be compelled to withhold my vote. If the Senator from Pennsylvania were present and I were at liberty to vote, I should vote "nay."

The result was announced—yeas 29, nays 20, as follows:

## YEAS—29.

Ashurst	Jones	McLean	Smoot
Borah	Kenyon	Martine, N. J.	Sterling
Brady	Kern	O'Gorman	Thompson
Furton	Lane	Pace	Townsend
Chamberlain	Lee, Tenn.	Perkins	Walsh
Chapp	Lee, Md.	Polindexter	
Crawford	Lewis	Pomerene	
Johnson	McCumber	Smith, Ariz.	

## NAYS—20.

Bankhead	Myers	Saulsbury	Smith, S. C.
Fryan	Pittman	Shafroth	Stone
Fletcher	Ransdell	Sheppard	Thornton
Gore	Robinson	Simmons	Vardaman
Martin, Va.	Root	Smith, Ga.	White

## NOT VOTING—47.

Brandegge	du Pont	Nelson	Smith, Mich.
Bristow	Fall	Newlands	Stephenson
Burleigh	Gallinger	Norris	Sutherland
Camden	Goff	Oliver	Swanson
Catron	Gronna	Overman	Thomas
Chilton	Hitchcock	Owen	Tillman
Clark, Wyo.	Hollis	Penrose	Warren
Clarke, Ark.	Hughes	Reed	Weeks
Colt	James	Sherman	West
Culberson	La Follette	Shields	Williams
Cummins	Lippitt	Shively	Works
Dillingham	Lodge	Smith, Md.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. TOWNSEND. Mr. President, there are some amendments which have been reported by the committee to which I do not agree. I do not care, however, to take up the time of the Senate in discussing the bill unless there is to be a discussion in opposition to it.

I think the bill is thoroughly understood. It has been before Congress for a number of years; it has been on the calendar for a long time, and, as I have frequently stated, I do not care to occupy any of the time of the Senate unless it is necessary to answer arguments which may be made against it. There are two or three amendments which have been reported by the committee to which I wish to make some objection, and unless there is to be discussion I am very willing to proceed with the first amendment.

Mr. LEWIS. Mr. President, may I ask the Senator from Michigan what is the amount which this bill would carry and what would he say is approximately the number of men who would be affected or benefited by it?

Mr. TOWNSEND. I can only make an approximation of the amount. An estimate has been made by the department and also by the committee of volunteer officers, which has had charge of the measure. They do not agree, and at the present time there is no possibility of giving a correct statement up to date. There was an estimate made by the department in 1910, stating that something like \$10,000,000 would be carried by the bill. We showed at that time that it could not possibly then have exceeded \$8,000,000. Since then the death rate among

the volunteer officers has been more than 12 per cent a year, and, deducting the pensions which these officers are now drawing, the expenditures under the bill would, in my judgment—and I think I am correct about that—amount to less than \$6,000,000. The Washington Post, in presenting an estimate the other day from an official source, as it claimed, stated it would be less than \$5,000,000.

It is very difficult to determine this, because the death rate has been something frightful. It has been stated on the floor here about what that rate has been, but that was not taken into consideration in the estimate by the department when it presented the figures to Congress. In fact, it stated that it was merely making an estimate; that they could not tell exactly and could hardly approximate what it would cost. I will, however, say to the Senator that we know that it can not possibly exceed during the first year \$6,000,000.

Mr. LEWIS. Then, the estimates made in different parts of the country and sometimes in the press that \$12,000,000 would be carried by this bill, in the judgment of the Senator from Michigan, have no foundation?

Mr. TOWNSEND. Not the slightest foundation. Similar unreliable statements were made when the age-limit bill for the soldiers of the Civil War was passed a few years ago. It was stated then that that bill would cost the country \$71,000,000. The fact is that it cost less than \$26,000,000. So with this bill it can not for the first year cost to exceed \$6,000,000.

Mr. LEWIS. Now, if the Senator will pardon me—and I thank him for this privilege—most of the officers, as I understand, are aged men at best, and as the years multiply, after 4, 5, or 6 years, the proportion of decrease under this bill by death will be accentuated to such a degree that, with the passing of years the proportion will become much less because of natural loss.

Mr. TOWNSEND. The Senator is absolutely correct.

Mr. KENYON. Mr. President, will the Senator from Michigan allow me to interrupt him?

Mr. TOWNSEND. I will be very glad to yield to the Senator.

Mr. KENYON. The average age of these men now is over 81 years.

Mr. VARDAMAN. What is the average age?

Mr. KENYON. Over 81.

Mr. SMITH of Georgia. Will the Senator state how he obtains that accurate information?

Mr. KENYON. The figures were placed in the RECORD by myself some weeks ago, having been compiled, I think, by Col. Glasgow.

Mr. VARDAMAN. Did I understand the Senator to say that the average age of the proposed beneficiaries of this bill is 81?

Mr. KENYON. Over 81.

Mr. SMITH of Georgia. Can the Senator cite me to the RECORD in which he gives those figures, and can he tell me by whom and how they were prepared?

Mr. KENYON. They were prepared by Col. Glasgow and those operating with him, and I had them placed in the RECORD. I will find it and hand it to the Senator.

Mr. SMITH of Georgia. Who is Col. Glasgow?

Mr. KENYON. Col. Glasgow is a retired Army officer who has had charge of this matter here and has been representing the Volunteer officers of the Civil War.

Mr. SMITH of Georgia. Where did he obtain his figures?

Mr. KENYON. I assume he obtained them from the records in the department.

Mr. SMITH of Georgia. Is there any official report from any one of the departments giving the figures?

Mr. KENYON. No. These figures were compiled by him from the statistics which he secured at the department.

Mr. SMITH of Georgia. Could the figures not be furnished us by the department, so that we could get the real information?

Mr. KENYON. I suppose that could be done.

Mr. SMITH of Georgia. What department would have jurisdiction of the matter?

Mr. KENYON. I think the figures could be obtained from the Pension Bureau.

Mr. SMITH of Georgia. They would have the records that would give us the exact facts?

Mr. KENYON. They would have the figures, so they could compile a statement on the subject.

Mr. KERN. Mr. President, if the Senator will allow me—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. TOWNSEND. Very gladly.

Mr. KERN. It is understood by everybody that while there were a good many soldiers 16, 17, and 18 years old, there were no officers of that age. The officers were more mature men. I

speak from observation as well as from history. The war commenced 53 years ago. If the average age of the officers then was 28 years, they would be 81 years old now. The war closed 49 years ago. By a very little calculation it will be readily seen that if the officers were mature men, as most of them were—a very large number of them past middle age; a very great number of them having been in the Mexican War, in 1846—the estimate that the average age at present is 80 or 81 years can not be far out of the way.

Mr. SMITH of Georgia. That would make the average age of service 32, if they average 81 now.

Mr. SMOOT. At the close of the war.

Mr. KERN. Yes; 28 at the commencement of the war.

Mr. SMOOT. And 32 at the close of the war.

Mr. KERN. Yes. If I may be permitted further, when I was a boy I saw a great many soldiers from the North during the war. My recollection is that a very large majority of the officers in command of companies, to say nothing of regiments, were middle-aged men at that time.

Mr. TOWNSEND. Now, Mr. President, if we may take up the first amendment—

Mr. FLETCHER. Mr. President, may I inquire in that connection what will become of this provision after the death of the officer?

Mr. KERN. It ends absolutely with the death of the soldier.

Mr. FLETCHER. It does not pass on to the widow or children?

Mr. KERN. Oh, no. The bill specifically so provides.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Michigan a question. What is estimated to be the annual charge upon the Treasury growing out of the passage of this bill?

Mr. TOWNSEND. Estimates have been prepared, I think, by the committee that has had it in charge of something like \$5,000,000. The committee first estimated it at about \$6,000,000 the first year. I want to say that they estimated upon the proposition that this bill will become a law at this session of Congress. I am fearful that it can not be considered by the House before December. Every year this bill is postponed the charge is materially reduced.

As I stated here before, of the committee of four which a few months ago came before the committee in charge of the bill three have already died. The death list is simply appalling, so that we have no figures up to date. I can say to the Senator, however, that from the best information which has come to me in looking over the reports from the Pension Department and from the committee of officers who have it in charge I am satisfied that the first year it can not exceed \$6,000,000. In other words, it can not equal the saving that will come to the country from the deaths that occurred in the ranks of the ordinary soldiers during the last year. That death rate has been something over 7 per cent—7½ per cent—for the whole army of pensioners. Therefore the extra amount that will be paid out under this bill will not equal the saving to the country by the lessening of the pension charges for Civil War soldiers.

Mr. WILLIAMS. Of course that is based upon the supposition that the pension laws will not be changed so as to increase the rate of pension or to increase the number of pensioners and soldiers. The Senator thinks that the first year the additional expense would be about \$6,000,000?

Mr. TOWNSEND. Yes, sir.

Mr. WILLIAMS. How much does the Senator think would be added to it in the second year?

Mr. TOWNSEND. I think it would be lessened at least 12 per cent, and probably more.

Mr. WILLIAMS. Does the Senator think that all entitled to come in under this bill would enter the first year?

Mr. TOWNSEND. I do.

Mr. WILLIAMS. And that there would be no accretions after that year?

Mr. TOWNSEND. Absolutely none.

Mr. WILLIAMS. And after that it would be subjected to the ordinary death-rate decrease?

Mr. TOWNSEND. Yes; and no one estimates that more than five years will elapse before they will all be out, because they average over 80 years of age to-day.

Mr. WILLIAMS. Mr. President, I notice in line 16, et seq., page 3, that—

Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged from service by muster out, or for disability, and have not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits, according to former rank and service, that are herein provided for surviving volunteer officers.

Now, how far does that extend? Does that take in men who served as officers of the Regular Army, Navy, or Marine Corps before the war?

Mr. TOWNSEND. During the Civil War.

Mr. WILLIAMS. Oh, yes; I see that now. That was put in there to be absolutely fair with the Regular Army officers who had been honorably discharged before retirement.

Mr. WHITE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I do.

Mr. WHITE. Does this include noncommissioned officers?

Mr. TOWNSEND. No, sir.

Mr. WHITE. Why not?

Mr. TOWNSEND. Because we were trying to carry out what we regarded as a duty which the Government owed to these men, a pledge which was made by the President of the United States in 1861 and thereafter, to meet a condition which had been established as a precedent after the Revolutionary War; in other words, I repeat, to carry out an obligation or a duty which we owed to these men.

Mr. WHITE. Does not the country owe just as much to the noncommissioned officer? Did not he suffer just as much and endure as many hardships?

Mr. TOWNSEND. That is probably true.

Mr. WHITE. Did he not have less compensation? It seems to me he ought to be included in this bill.

Mr. TOWNSEND. The bill has been framed along these lines, as I say, on a precedent that had been established, and in the belief that this was carrying out our obligations to the soldiers.

Mr. WHITE. It occurs to me that we are under just as great an obligation to the noncommissioned officers as we are to the commissioned officers.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator a question. Can he tell me, without any trouble, about what pension the beneficiaries of this bill receive now?

Mr. TOWNSEND. The beneficiary of this bill now receives the same pension that the enlisted man receives. If he has reached the proper age for receiving it he gets \$30, for instance; if not, he gets the lower rate. The pensions received by the officers under the general pension laws are the same as those received by the enlisted men.

Mr. SMITH of Arizona. Except in the case of special acts.

Mr. TOWNSEND. Except in the case of special acts.

Mr. SMITH of Arizona. How many of these officers' pensions does the Senator estimate have been increased by special acts of Congress?

Mr. TOWNSEND. I do not know; but I should say a very small number, comparatively. Present pensions are all deducted anyway. Officers will not receive their present pensions in addition to what will be paid under this bill. This is to take the place of all pensions which they are now drawing.

Mr. THOMPSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. TOWNSEND. I yield.

Mr. THOMPSON. I should like to ask the Senator a question. I understand he has placed the Volunteer officers in exactly the same position as the Regular Army officers.

Mr. TOWNSEND. Oh, no; the officer of the Regular Army is retired at the age of 62 at full pay, and if he served a day in the Civil War he is retired at an advanced rank over that which he held at the time of retirement. In this bill the officer is retired as of the highest rank he held while he was in the service, but under no circumstances shall he get more than three-fourths of the pay of a captain.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. TOWNSEND. I yield.

Mr. SMITH of Georgia. I find on page 28 of the report of the hearings an estimate of the expenditure which would follow Senate bill 392. That is this bill, is it not?

Mr. TOWNSEND. Senate bill 392; yes, sir.

Mr. SMITH of Georgia. I find that apparently placed at \$10,466,268.

Mr. TOWNSEND. Yes, sir.

Mr. SMITH of Georgia. Was that based upon figures presented by the Secretary of the Interior on August 20, 1912?

Mr. TOWNSEND. Yes; and practically of 1910, when the statistics were compiled—dating back to 1910.

Mr. SMITH of Georgia. So those figures were based upon an accurate investigation by him in 1910?

Mr. TOWNSEND. As accurate as he could make, as he stated at the time. There were a great many estimates that he had put in as to which he could not quite be accurate; but if the Senator has read the hearings he has also discovered what the committee put in there, which I think was based upon better information. It had all that was obtained at the department, together with the reports of the officers' associations throughout the United States, they knowing exactly what number of men there were, what pensions they were drawing, and what should be deducted, and having an accurate estimate of the death rate of officers and not of ordinary soldiers, who were of younger age.

Mr. SMITH of Georgia. And that is their estimate, on page 29, following the other one?

Mr. TOWNSEND. No; that is all part of one estimate. One table is of two years or over, one is of one year and less than two years, and one is of over six months. That is the department's statement.

Mr. SMITH of Georgia. I have not read it all carefully. I did not observe the detailed estimate.

Mr. TOWNSEND. I have not looked that over, although I was present at the hearings and know something about what was presented at that time.

Mr. SMITH of Georgia. I will say to the Senator that just in running through it I caught these figures and I did not see any others except these figures. That is why I was asking about it.

Mr. TOWNSEND. I mentioned that in the first place, in answer to a question from the Senator from Illinois [Mr. LEWIS].

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. TOWNSEND. I yield.

Mr. McCUMBER. The Senator has just stated, if I understood him correctly, that the pay allowed shall not exceed one-half of a captain's pay.

Mr. TOWNSEND. Three-fourths, the bill provides.

Mr. McCUMBER. But the amendment that is proposed is to make it one-half of a captain's pay?

Mr. TOWNSEND. That is the maximum.

Mr. McCUMBER. I want to ask the Senator here a straight question, because I know he believes in justice in these cases. Let me give a little illustration, and my question will follow the illustration.

Here are two boys, both anxious to get into the Army as officers. They both apply to the Senator for positions at Annapolis or at the Military Academy. The Senator has a place for but one of them, and one of them is recommended. The other is just as good a boy, just as capable, but the Government has not places for two of them. One of them, then, is educated at Government expense for five years. He is given the very best of an education. The other young man, not having the Government at his back, proceeds to labor to obtain an education for himself. He joins the Army with the other boy when the war is on. He goes in as a private; but with his determination, with the energy that is in him, without any assistance such as has been given the other boy, he works himself up through his own industry and valor and becomes an officer.

Now, if we are to discriminate as between the Government-made officer and the self-made officer, in whose favor should the discrimination be made? Should it be made in favor of the officer who has been made so by the Government, or the officer who has made himself such through his own energy and without any assistance from the Government? If we are to discriminate at all, in whose favor should the discrimination be made?

I am in favor of a bill of this kind; but I want to say now, Mr. President, that I believe in giving the retired officer who has won his spurs through his own endeavors just exactly as much, dollar for dollar, as we give the one who is educated at the expense of the Government. I can not understand how a recommendation can come in here that shall make a discrimination as against the man who has shown his own mettle and his patriotism and his ability to put himself upon a position equal to the one whose position has been obtained for him by the Government. Why should we not now, at least, at this late day, do entire justice to these Civil War officers who became such through duty which they owed to their Government, and through their own honest and earnest endeavors?

Mr. WILLIAMS. Mr. President, before the Senator from Michigan answers the Senator from North Dakota, I should like to ask him a further question.

Mr. TOWNSEND. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Some of us would like to know in what respect and to what extent the discrimination alleged by the

Senator from North Dakota exists, or will exist, if this bill becomes a law?

Mr. TOWNSEND. The discrimination is that in this bill we propose to retire the volunteer officer on three-quarters of the pay of a captain. That is the highest amount he is to receive; while in the Regular Army a man is retired at full pay, and as of his highest rank, and if he served a day in the Civil War he is retired at full pay with an advanced rank over that which he held in the Civil War.

Mr. CRAWFORD. Will the Senator permit me?

Mr. TOWNSEND. In just a moment. The Senator from North Dakota asked why there should be that discrimination. I agree that there ought not to be any as a matter of justice. But I am confronted with the fact that we have to meet conditions as we find them. We know that some years after the Revolutionary War all the volunteer officers were retired at the full pay; provided, however, that no officer should receive more than the full pay of a captain. That was the highest that anyone could get, and those below that rank got the full pay of their highest rank.

Mr. WILLIAMS. This bill does that, too?

Mr. TOWNSEND. It does not. This bill retires the man who has served two years or more at the highest rank he held in the Army, but under no case shall he receive more than three-quarters the pay of a captain in the Army. That is this bill. The amendment reduces the amount from three-fourths to one-half, which I do not think—

Mr. WILLIAMS. As far as the pension itself is concerned, it is substantially the Revolutionary War bill to which the Senator refers?

Mr. TOWNSEND. Yes, sir; the same principle.

Mr. SMITH of Georgia. Will the Senator call our attention to that Revolutionary War act? Has it been made a public document? Is it printed?

Mr. TOWNSEND. It has been called attention to a good many times.

Mr. SMITH of Georgia. I just did not have it.

Mr. TOWNSEND. By the act of Congress of May 25, 1828, United States Statutes at Large, volume 4, pages 269 and 270, and June 7, 1832, United States Statutes at Large, volume 4, page 529: "All officers who served in the Continental line, State troops, volunteers, or militia were retired on full pay, but not exceeding in any case the pay of a captain of the line." That is the reference the Senator wishes.

Mr. President, the amendment in line 19, page 3—

Mr. SMITH of Georgia. Can the Senator tell us the amount which was carried in consequence of that Revolutionary statute? It was applicable to how many soldiers?

Mr. TOWNSEND. I can not. I can say generally, however, that it was greater in proportion to the wealth of the country than this bill carries now. I can not give the figures, although I went into that subject some time ago.

The VICE PRESIDENT. The first amendment is on page 2, line 18.

Mr. TOWNSEND. Yes. That is in a case where an officer lost an arm, an eye, or a leg, he shall get the highest benefit carried by the bill. It is as though he served two years.

The committee has seen fit to strike out the words "resignation or otherwise." I am opposed to that amendment. I do not want to occupy any great length of time, but I wish to discuss it briefly.

If honorably discharged from service because of a wound or other bodily injury received in line of duty or having been incarcerated in prison which resulted in their sickness, I have felt that officers ought to be entitled to the same pay as though they had served two full years. The committee has stricken out the words "resignation or otherwise." There were many cases at the close of the war where officers who had been wounded were sent home and they afterwards resigned. It was necessary that they should separate from the service; that was recognized, and they did not go back to be mustered out. There are a few such examples. There are not many such cases among the living soldiers, but I have felt that the surviving cases should be included in the bill, and that where officers were honorably discharged from the service for disability because of wounds they should receive the highest benefits of the act. I am willing you should strike those words out if you also strike out the words "by muster out." Then it seems to me that we will have covered, and I think we want to cover, those honorably discharged for disability because of a wound. They are considered honorably discharged under the rules, and so recorded, even though they were not mustered out.

So, Mr. President, if it is in order I should like, in addition to the amendment that has been made on line 17—

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. The Senator means the amendment proposed by the committee, does he not?

Mr. TOWNSEND. By the committee.

Mr. WILLIAMS. He does not mean an amendment which has been made. The Senate has not acted upon the question yet.

Mr. TOWNSEND. No; it has not acted upon it, and I wanted to move this additional amendment, to strike out, in lines 17 and 18, the words "by muster out or," so that it will read: "Who was honorably discharged from service for disability, because of a wound or other bodily injury" received in the service.

Mr. WILLIAMS. I suggest that that subject had better come up for the action of the Senate when the amendment of the committee to which it virtually is an amendment shall be before the Senate.

Mr. TOWNSEND. I realize that.

Mr. WILLIAMS. The Senator gives notice of that amendment to the amendment.

Mr. TOWNSEND. I am willing to agree to the amendment of the committee if the other amendment can be made afterwards. Otherwise I should like to have the amendment disagreed to.

Mr. WILLIAMS. That will come up when we come to the consideration of the amendments in their proper order.

Mr. TOWNSEND. Very well.

Mr. SMITH of Georgia. I should like to ask the Senator—

Mr. WILLIAMS. I am making the point that the regular order must be followed and that this amendment can not be considered now until the bill itself has been discussed.

Mr. SMITH of Georgia. I wish to ask the Senator from Michigan a question for information. How did the pensions paid prior to 1832 compare with the pensions that have been paid since the war? Have any figures been prepared upon that subject that will throw any light upon it?

Mr. TOWNSEND. I have them not at hand, but the officers of the Revolutionary War received much greater pay proportionately, everything considered, than these officers are receiving or than officers have received since retirement. Revolutionary officers received grants of land and they received various emoluments at that time. As to the pension I am not clear as to what the amount was, but I do not imagine that it varied greatly from what has been paid since.

Mr. SMITH of Georgia. But the Senator can not give us any accurate information on that subject?

Mr. TOWNSEND. I can not.

Mr. McCUMBER. Mr. President, as I have to leave the Chamber in just a moment, I want the opinion of the Senator from Michigan upon the provision on page 5:

*Provided further, That the payments provided for in this act shall not be made to inure to the benefit of anyone whose income, together with that of his wife, exceeds \$2,400 per annum, and the Secretary of War shall make such regulations as may be appropriate to make this proviso effective.*

The Senator has stated that the average age of these officers is about 81 years. If I understand this provision correctly, when after 81 years of hard labor their services as officers has not been recognized at all, such a man and his wife have saved enough so that they have an income of \$2,400 a year, they shall receive no benefits under this act.

I wanted to ask the Senator whether under our present law, if, with the aid of the glitter of gold braid and the sheen of brass buttons, an officer has succeeded in marrying a few million dollars and has an income of \$100,000 or so a year, he is prevented from receiving full retired pay after retirement at 62 years of age, and if he is not, what justice there is in saying that these old men, who have served their country and obtained their spurs through their own labors and efforts, shall not receive a recognition which is due them simply because they have saved enough to have an income of \$2,400 a year?

I want to vote for the bill and I will vote for it in whatever shape you may make it, but I confess I dislike to vote for a bill that will upon the face of it show such a rank and unjust discrimination against the volunteer officers of the Civil War.

Mr. TOWNSEND. I agree with the Senator fully. Of course I did not make the provision to which he refers. The bill introduced by me did not contain it; it was put in by the committee; and I hope the Senator will be here to assist in eliminating that amendment from the measure.

Mr. WHITE. Mr. President—

Mr. TOWNSEND. In just a moment, please.

Mr. WHITE. Very well.

Mr. TOWNSEND. I am working for this bill as a matter of principle. I think it is a violation of principle to recognize income in a measure of this kind. There are only a very few

men whom the provision would strike, anyway. It is the recognition of the rank on retirement, the treatment accorded to the Regular Army officers, that I am after more than the money. I am opposed to that amendment, and I shall ask the Senate to vote it out.

Mr. WHITE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I yield.

Mr. WHITE. Before the Senator leaves that point, I want to ask him if the limitation objected to by the Senator from North Dakota is not a penalty imposed upon diligence and thrift?

Mr. TOWNSEND. I think so.

Mr. LEWIS. Mr. President, I desire to invite the attention of the able Senator from Michigan to apparently what was in the mind of the senior Senator from Mississippi [Mr. WILLIAMS]. What addition does the Senator from Michigan assume is added to the list by striking out those words after the words "by muster out or" in the amendment proposed by himself? What extra burden is imposed upon the measure different from that as now reported by the committee?

Mr. TOWNSEND. The amendment adopted by the committee provides that an officer must be mustered out in order to receive the benefits under this particular section. My statement was that there are a number of volunteer officers who were not regularly mustered out, but were wounded and taken to hospital, and from there taken home. They never went through the formal proceeding of being mustered out; their resignation was accepted and it was counted as an honorable discharge.

So if we strike out the words "by muster out" and simply count those who were honorably discharged from service, whatever the department of the Government considers an honorable discharge shall entitle them, if they were wounded in service or endured hardship in prison which resulted in broken health, to be counted as having served two years.

Mr. LEWIS. But the limitation suggested by the Senator from Michigan would not add numerically?

Mr. TOWNSEND. Not at all.

Mr. LEWIS. It would not add to the volume, to what the bill comprehended in the original shape.

Mr. TOWNSEND. No, indeed; not a name.

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. On page 2, line 18, the Committee on Military Affairs proposes to strike out the words "resignation, or otherwise" and the comma and insert the words "or for disability" and a comma. To that amendment the Senator from Michigan offers to strike out the words, beginning in line 17, "by muster out, resignation, or otherwise or" and to insert the words "for disability."

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Has the bill been read for amendment?

The VICE PRESIDENT. It was read, and is now being read for amendment.

Mr. WILLIAMS. I have not heard the Secretary read any of it.

The VICE PRESIDENT. The Secretary read the bill as it originally went to the committee.

Mr. WILLIAMS. But I had not heard him read any of it for amendment.

Mr. President, in connection with this bill I notice that the author of the bill is the junior Senator from Iowa [Mr. KENYON], who very recently has been reading the Senate a somewhat sustained—

Mr. KENYON. The Senator probably does not want to state the matter erroneously. It was reported by me from the Committee on Military Affairs. It is the bill of the Senator from Michigan [Mr. TOWNSEND].

Mr. WILLIAMS. Ah, Mr. President, I acknowledge the error. I will therefore amend what I said by saying that I notice the bill was reported by the junior Senator from Iowa [Mr. KENYON]. Of course, when he reported it it received his approval as fully as if he had written it. There is only a difference of form in the two expressions and none in substance.

Now, this is the Senator from whom we have very recently received a somewhat sustained, a somewhat extended, and a very ingenious lecture, or I will reform my verbiage and say lectures, because they certainly were in the plural—just how many of them I do not now remember—upon the subject of the present straitened condition of the Treasury of the Nation, the necessity for economical administration, the necessity of watching the outgo of every dollar from the Treasury. It looks as if there had come about a strange change.

Mr. BRYAN. Mr. President, I dislike to shock the sensibilities of my friend from Mississippi, but the Senator from Ohio [Mr. BURTON] also joined the Senator from Iowa in taking up the bill.

Mr. WILLIAMS. Well, Mr. President, my astonishment grows not by the hour, but by the minute as the clock records the time. That both Senators who have but lately engaged in this ingenious enterprise, and who proved themselves to be more than equal to all the other 94 Members of the Senate when they came off from the field of battle with drums beating and standards glaring and flying after the Senate surrendered to them, only conditioning a retention of its side arms, should now be willing to bring in a bill which will increase the expenditures of the Government by something between \$6,000,000 and \$10,000,000 per year, depending whichever of these various estimates you choose to accept, and which, moreover, will, if our past experience with pension bills be a guide for our conclusions, probably increase the expenditures \$12,000,000 or \$15,000,000 per annum, is a matter of grave wonderment to me, if not of amazement.

Were anybody prepared to imitate their example, one or two men might get together and prepare themselves with encyclopedias and the past literature of this proposed legislation, and even the reports in this case, and this bill might be made by two men to go on forever, and the Senate having acknowledged that 94 Senators ought to surrender to 2, I suppose the Senate would be fair about it and permit 94 to surrender to 2 once more. However, the precedent set by them is one to be more honored in the breach than in the observance, and I shall not imitate it.

Now, what is the necessity of the passage of this bill at this moment, Mr. President? I have not heard anybody place it upon any ground of emergency. In arguing against the river and harbor bill the Senators said, "Oh, well, this may be a good project; it may be sound; it may be an investment returning dividends to the commerce of the country, but we are now in the strain not of war precisely but of the effect of war in Europe upon American industrial and commercial life, and therefore we ought not to take on any new projects." Now, why should this new project be taken on at this time, confronted as we are with all these dire conditions?

If we can not afford to spend money out of the Treasury in order to give the commerce of the people the facilities which that commerce ought to have, why ought we to pass a bill to give somewhere between six and twelve million dollars in discrimination as a special favor to men who happened to be lucky enough to be promoted to positions of commissioned officers in the Army, while other men who did their duty equally well and perhaps better—it being impossible that all men in the Army should be officers—were held in the line as privates or as noncommissioned officers? If we are going to capitalize our patriotism, why not capitalize it for all, privates and noncommissioned officers as well as for commissioned officers?

The Senator from Michigan [Mr. TOWNSEND] tells us that the death rate will reduce the amount necessary to be expended, if the bill be enacted, very rapidly. That has not been our experience with pension bills. The Civil War concluded in 1865, and this is 1914, and the pension payments have been growing regularly all the time, now and then with a sag downward, but with a permanent upward tendency. Then, immediately that that sag downward is recognized, in come these legislative patriots who desire the "old soldier vote," and they change the conditions under which pensions are being drawn so that the rate of pension is increased or the area over which the pension legislation shall extend itself is increased. I have no idea that, having gotten a taste of this, future legislation will not see to it that the same total is kept up until pretty nearly everyone benefited by it is dead.

I sometimes wonder whether the present war in Europe is not a blessing in disguise, because it may result in a decrease of the burdens of preparation for war, which, extending over a very much longer period and being chronic in their character and not merely acute, are a greater burden upon the people and a greater punishment to commerce than a war quickly fought out and concluded. Perhaps at the end of it it may be that there will be some agreement for disarmament which may lighten the burden now resting upon the backs of the toiling peasants of Europe and of the toiling mechanics of the warring nations. Not only does it rest upon their backs, but it rests upon the backs of the people of neutral, and not only of neutral but of neutralized, nations. It seems from what we have lately learned that these last have made no mistake in preparing themselves with armies, because they concluded that their neutrality, no matter how solemnly asseverated by grave treaties, would not be respected if it was not to the interest of any great warring

nation to respect it. Such has been the burden in Europe. Has our burden been much less, so far as taxes for a peace footing of the Army and Navy are concerned and for war to come or wars past are concerned? No; it has not been much less. We are now paying about 50 per cent of our annual expenditures in the shape of war payments, either for soldiers, sailors, and ships now furnishing a part of our equipment as preparation for war or for those who, volunteering to go out and defend their country without price, without recompense, have come back since the war and insisted upon taking a slice of from something like \$140,000,000 to \$150,000,000 per annum out of the Treasury in the shape of pensions.

Mr. President, I am not fighting that. I am not fighting reasonable pensions. The man who has been crippled in the cause of his country, whose avenue for securing employment has been closed because of his services to his country, the man who for any reason has suffered because he has devoted himself to the public good, ought to be recompensed liberally, not scantily. He ought to be receiving more than he is now receiving under the pension laws, and he would be receiving more if men who are in good circumstances were not also taking pensions which they ought to be ashamed to accept. The average earnings of the head of a family in the United States are not \$600, including hard-working blacksmiths, carpenters, mechanics, farm laborers, and all the balance of them, and yet men worth hundreds of thousands of dollars are drawing pensions every day out of the common Treasury, raised by taxation levied upon the backs and the bellies of the consuming poor. So far has that gone that a provision in this bill that those who have an annual income of \$2,400 a year should not receive the benefits of this legislation is objected to. Objection after objection to similar provisions has been made upon the ground that you "wanted to make an honor roll of the pension list, and not a pauper roll." When it was once before proposed to fix \$1,200—double the average annual income of the American father of a family—as the income which should fix the point of demarcation for the pensionable man and the nonpensionable man, it was objected to upon the ground that we wanted to fix "a pauper roll instead of an honor roll"—a pauper roll of \$1,200 a year, double the receipts of the average American citizen.

I once knew an old gray-haired lady, whose husband had been a captain in the Federal Army in the War with Mexico. A neighbor who had been in that war came to her one day and said, "Madam, you are entitled to a pension under the law recently passed by Congress." She turned to him with a great deal of indignation, her face flushing with surprise and anger, and said, "I will have you to know, sir, that my husband did not fight for money." It is a pity that spirit is not somewhat more abroad in the land. I have very little confidence in the idea that the ordinary death rate is going to reduce the pension roll of this country. If the future experience is to be like the past experience, just as soon as officeholders and office seekers find that it is being reduced, they will bring in and pass a new pension bill to prevent its being done. Of course some day a reduction will begin to operate, but not in our lifetime. I suppose when you get down to about 12 men you will not give them the whole \$140,000,000; you will manage somehow not to do that, I hope, indeed almost expect, but it will be a long time yet before it begins to operate practically.

Mr. President, why is it that Senators insist that a commissioned officer in the Volunteer Army during the Civil War should receive a recognition not accorded to the noncommissioned officer in the same ranks and doing his duty equally well? Is it because you want to put the commissioned officer on an honor roll? If so, why put him upon a roll of higher honor than the man who was a noncommissioned officer or the man who was a private, presupposing in all three cases that each man, of course, did his duty and was loyal and true and brave in his service?

My father, for example, was an officer in the Confederate Army. Was it because he was better or more patriotic than the other members of the Twenty-seventh Tennessee Confederate Volunteers? I think not. It was not even because he was better prepared for the military business, because, like most of them, he had had no training in that direction at all. At the beginning of the war the commissioned officers were, as a rule, elected. When they were elected they were elected because they were popular, just like you and I were elected to the Senate or to the House of Representatives or like a man is elected sheriff or clerk of a court at home. Then later on if that officer "made good" he was appointed when the army was regularly organized and taken from the control of the State and put in the control of the Confederate Government or of the Federal Government. Of course he had to "make good"; but there are numbers of men

who went out and wore the gray or wore the blue who never failed in their duty, some of whom became noncommissioned officers and some of whom found no vacancies to fill, who never had an opportunity to "make good" as officers, only the chance to "make good" as privates or rank officers. Why should we at this late date make a distinction between them which we have never made before?

Hitherto we have put every Union soldier upon the same pensionable basis, regardless of his rank; hitherto in the Southern States every Confederate soldier—it is true in Mississippi, at any rate, and I think it is true in every other Southern State—has been placed upon the same pensionable basis, regardless of his rank, whether private, sergeant, captain, colonel, or general. Of course there is a distinction between the two pension systems. The Southern States pension nobody except those who need the pension; but, of course, the United States here have pensioned men regardless of their needs. I had the happiness once to know—

Mr. WHITE. Mr. President—

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. In a moment. I had the happiness once to know a most estimable gentleman who was a Member of the House of Representatives and afterwards a high official under the Federal Government. As a Member of the House of Representatives he was at that time drawing \$5,000 a year and he was at the same time drawing a pension—the highest paid, I believe—and he was master of an independent fortune of a million and a half dollars. If this bill passes, he will be entitled to this additional allowance. Now I yield to the Senator from Alabama.

Mr. WHITE. Mr. President, I want to say to the Senator from Mississippi that the pittance that is given to the Confederate soldiers in Alabama is not distributed according to rank.

Mr. WILLIAMS. Oh, no; I have just said so.

Mr. WHITE. They all draw upon the same basis.

Mr. WILLIAMS. Of course.

Mr. WHITE. The officer gets no more than the private soldier, and he does not get it then unless he is in want.

Mr. WILLIAMS. That is the case in Mississippi, too.

Mr. WHITE. And that, sir, has made the Confederate soldier the grandest man on earth. He has learned to take care of himself, and he does it. The one-legged Confederate soldier or the one-armed Confederate soldier is not a burden upon anybody; he is a useful citizen, earning a livelihood for himself and his family. He is fighting the battles of peace as courageously as he fought the battles of war.

Mr. WILLIAMS. Mr. President, that is true of the Confederate soldier, and it is also true, for the most part, of the Federal soldier. In spite of this pauperizing system of pensions, as a rule he has held his own in civil life, as he did in military life; but what I am talking about now is that where he has held it so well that he has got to be wealthy and has a million dollars or a million five hundred thousand dollars, still he stoops to take the pittance from the Treasury of his country; he is still willing to take \$12 or \$30 or \$50 a month out of the Treasury of the United States, paid into mainly by the poor on consumption taxes. I dare say if you would bring up every man who would be entitled to a pension under this bill, from Maj. Beers, who advocated it before the committee, down—I do not know the names of all of them—you would find that the majority of them to-day are in conditions of easy affluence.

Then, if that be the case, while exchange is dislocated, while the cotton crop can not be marketed, while transportation across the seas is being threatened by German cruisers, while maritime insurance is sky high, while we ourselves are being subjected to the disastrous influences of war, although under the management of a magnificent chief we have managed to keep nominally at peace, why now give this largess to men who do not need it? Why make another "honor roll" superior in character and kind and degree to the "honor roll" you say you have made for the privates and for the noncommissioned officers? Why violate the precedent that the South and the North have both established of treating their soldiers alike so far as their pensionability is concerned?

Here is a man who went into the ranks from a clerk's desk, unaccustomed to fatigue, did his duty, and did it splendidly, served for three or four years, came out with Grant at Appomattox, a private soldier, never thrusting himself forward unnecessarily to the front for the glory in it or keeping himself in the rear for safety. Perhaps he got to be a corporal, perhaps he got to be a sergeant, but he did not have any political influence at Washington, so he could not enter the Army as an officer. Another man by his side fought perhaps equally bravely,

but did have influence; he may have known a Senator. You know how the volunteer officers were promoted during the war as well as I do. In the beginning of the war especially, on both sides, there were "political generals," as Grant contemptuously called them. During the course of four years many of them were weeded out and eliminated on both sides, but a great many of them made good and remained. Though their method of appointment was questionable, they showed that they were fit for it, just as a majority of the men appointed under the old spoils system used to show it here in the civil service again and again and again. Why should the man who had that influence be preferred to the man who did not have the influence in district or State and who, not having the influence, was not appointed as nor promoted to be an officer, and hence had no opportunity to show that he could make good as the holder of a commission?

Mr. President, I notice that Senators have almost been running over one another to introduce bills of this sort. I notice that the chairman announces that there were before the committee Senate bill 302, introduced by the Senator from Michigan [Mr. TOWNSEND]; Senate bill 1359, introduced by the Senator from New Jersey [Mr. MARTINE]; Senate bill 2222, introduced by the Senator from Iowa [Mr. KENYON], and all that. I have not time now, Mr. President, to read each one of these bills and compare each with the other for the purpose of determining which one the committee ought to have reported, nor have I time to run through the hearings in any thorough manner, especially as the hearings are rather new to me just at this moment, as I had not seen them until this morning.

Here is a proposition to put upon the retired list, with high pensions, solely the commissioned officers of the Federal Army serving in the War between the States. There is not even any pretense that it is done because of disability incurred by them in war; there is no pretense that it is done because of the necessities which they have in peace; it is done simply as an open-handed piece of liberality by a great and wealthy country. But this country was not wealthy enough to do anything for the improvement of rivers and harbors, unless the improvement was already under way.

The Senators who reported this bill could find no excuse at all for that. On the contrary, a great feeling has been cultivated to the effect that giving improved transportation by water to any part of the country was a division of "pork" of some sort between Senators and Representatives.

Such a bill could not be even considered item by item, each item upon its merits or its demerits, as the case might be, to be voted up or to be voted down. The Senate was forced, under the plea of "economy," under the plea, too, of "present conditions," which, by the way, are still "present," to surrender to a handful of men and to take what they chose to give our commerce. The Senate, however, has been so niggardly, so ungrateful, and so neglectful of its opportunities that it has not yet passed a resolution of thanks to the two Senators from Ohio and Iowa. It ought to do it at once. It ought, moreover, to pass another resolution asking them please to consider the next session's river and harbor bill in vacation and get it whipped into whatever shape they desire and let the balance of us know beforehand, so that we may surrender beforehand and not be losing time. Of course we know that without their approbation it could not be passed at a short session. It could not even be passed at a long one, one of the longest the country ever indulged in. These very gentlemen who are so careful about using the money in the Treasury, not for expenditures, but for investments, as all rightful waterway improvements are, are not at all careful when you come to the military expenditures of the country, which are not investments, but mere waste. They are not at all careful when you come to mere largess to be given to one class of brave soldiers and not to others.

Why, think of it. A great many officers during the Civil War on both sides got their commands because they happened to be, when the war broke out, members of the militia—holiday soldiers—who used to meet on muster day, beating drums and flying flags. I remember that when they first went out a good many of them were dressed in Zouave uniforms. I remember one command with red stripes and green blouses, breeches, and a sort of black jacket. Solomon in all his glory was not arrayed like one of them. In that particular case the man who happened to be in command of that company went to the rear pretty soon because he could not stand the smell of gunpowder, but if he had been a man who could have stood the smell of gunpowder he might have come out of the war as a colonel or a general, purely because he had a good start. Why? Because of the accident of having joined a body of young fellows and drilled on muster day.

I can not for the life of me understand why this discrimination should be made at this late day. The Senator from Michigan tells us the same discrimination was made in 1828 in a bill which was passed in connection with officers who had served in the Revolutionary Army; but Senators must not forget that this country has grown a great deal more democratic since then. The Father of his Country, perhaps the greatest character the world ever knew—not the greatest general nor the greatest statesman, but, taking him up and down and all around, the greatest character—was a good deal of an aristocrat. He was one of the men who formed the Association of the Cincinnati. People at that time thought that of course an officer ought to receive higher consideration than a private, even though the private had done his work equally well, and even though the officers, while they were doing their work, had received higher pay. In fact, it was not unusual to flog privates, and the Father of his Country was said to doubt whether they could be effectively disciplined without it.

Why, Mr. President, I sometimes think all armies in war times ought to be organized upon the basis of the Confederacy after its first year or two years of service. What was the basis of pay of the Confederate soldier after his first year and a half or two years of service? What was it? Why, they got no real pay at all; and in a great many cases they got no "provant," to use an expression used by Sir Walter Scott in connection with Capt. Dalgetty, except such "provant" as they themselves could collect by foraging. I sometimes think we ought to take the position that the Confederate soldier occupied to a part of its extent. The soldier ought to be given "provant"; he ought to be clothed; he ought to be fed; but we would stop a great many wars if we made the soldier's business totally without pay.

The Confederate soldier for over two years did not get anything. He got \$13 a month, I believe, in Confederate money, but that would not buy a stick of candy, even if there had been any candy to buy, and there was not. He laughed at his pay. He would put it with others in a pile and throw quoits or jump for who should have it all. He did not fight any the less well for it, and he has not been any the less a good citizen since the war closed, because the sole pension he has received has been a pension for his necessities, if he has had any. I am sorry to say that the South has been so poor that in some of the States they have simply appropriated a lump sum and let it go as far as it could amongst those who were necessitous, so that none received enough; but no Confederate man has ever asked to be given a pension when he had received no wound and when he needed no support. On the contrary, he takes a pride in contributing to help those of his comrades who need his assistance, or who have received wounds, while he himself asks nothing. I say he takes a pride in helping them; I do not mean in helping them merely by paying their share of the taxes. There is many an old Confederate soldier, as every southern Senator here knows, who has a private pensioner. The surviving officers and comrades, because they have made good in the world and have prospered, have given a part of what they prospered upon to those not so lucky.

I see here, Mr. President, that Maj. Beers, before this committee, said:

We make our claim to being placed upon the retired list as volunteer officers largely upon the action of Congress in 1861. I call your attention to that connection to the call into the service, July 22, 1861, when the call for the 300,000 volunteers was made by the President, and the legislation in relation to which reads as follows:

"That officers, noncommissioned officers, and privates organized as above—"

"That is, as provided in the law—  
"shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army."

Now, from that Maj. Beers drew this inference, which seems to me to be not entirely warranted, to wit: That if commissioned officers of the Regular Army—the standing Army—owing to certain military regulations, received certain retirement allowance, these men who happen to be commissioned officers in this war Army, not upon a peace footing at all, should receive the same allowance.

The reason why I say that position is not well taken is this: There are certain rules and laws governing the organization and management of a peace establishment of a regular or standing army that are in no manner at all applicable to a volunteer army for war. In order to have a peace establishment of a regular standing army you must have provision to take care of the officers in their old age, and you must have provision for taking care of the privates under certain circumstances. The Regular Army soldiers' home is that provision for the privates, with certain other provisions that are made. The retired officers' roll is that provision for the officers.

These are for the purposes of a heavy standing army in time of peace. In times of peace men's patriotism and pride do not appeal to them to join the Army. It is only in times of war, when the country is in danger, when the independence and the civilization of the country is imperiled, that men gather to the flag as a matter of self-respect and of pride—as a matter of patriotism. When you want to train men at West Point or at Annapolis—and to a certain extent, outside of the Engineer Corps, unfit them for private pursuits—you have to have an old-age pension for them, and that old-age pension is the retirement list at three-fourths' pay.

Even if Maj. Beers were right, however, this bill does not logically carry out his contention, because, if he were right, then these commissioned officers have a right to be put precisely upon an equality with the commissioned officers of the Regular Army. That is not done in this bill, because whereas in the Regular Army they are retired at one grade higher than that which they held at the time of retirement, and at three-fourths of the regular pay, under this bill, under no circumstances can a man, no matter what his rank was in the Federal Volunteer Army during the war, whether it was colonel or general, get over three-fourths of the pay of a captain. So that this bill, in addition to being unnecessary and discriminatory, is illogical, and I know that the illogicality of it will appeal to some of the Senators who reported the bill and who were so strenuously and aggressively logical in their several speeches upon the rivers and harbors bill. I know if there is anything in the world that they do love it is logic.

Now, Mr. President, I am not filibustering. I am weakly, and remotely reminding the Senate of a recent "patriotic stand" against those of different views which the enemies of the movement, not I, "designated" as a filibuster. A man sent me this morning a little piece of poetry that I think I will take the liberty of reading. I see my friend the Senator from Iowa smiling, because this was submitted by me to him this morning and, as I understood, met with his approbation.

Mr. KENYON. Mr. President, the Senator had no objection to my smiling about this poetry, had he?

Mr. WILLIAMS. Oh, not a particle. I love to see the Senator from Iowa smile.

Mr. KENYON. Was the Senator from Mississippi the author of the poem? He did not state.

Mr. WILLIAMS. Mr. President, I have never been the author of any poem. I have been the purveyor of a great many of them to other people. I love doggerel for its own sake, for the mere jingle that is in it.

Now, I do not want to take up the time of the Senate; but returning to the suggested and pregnant subject of the smile of the junior Senator from Iowa, there is hardly a smile that ever appears upon the face of any Senator in this body, no matter how old or how young he may be, no matter how experienced or inexperienced, that is as sweet and as bland and as childlike as the smile of the Senator from Iowa. Next to the smile of a child in its crib, dreaming of its mother or of something else, perhaps of the angels, and smiling while it is asleep, when we do not know what the child is even thinking of, except that it must be something pure and holy and innocent, I think I prefer to see the smile of the junior Senator from Iowa. There used to be in the House of Representatives an old gentleman by the name of Nick Cox, from Tennessee, who had a yet sweeter smile; but with that exception the Senator from Iowa stands preeminent in the legislative smile arena, and so of course I could not object to the Senator's smile.

Why, even when he was carrying on this great "patriotic movement in behalf of economy," so ruthlessly dubbed by some a "filibuster," to prevent our investing any of our money in the productive enterprise of bettering transportation, every now and then he would smile; and the moment he did, what little impatience I had over the fact of his performance ceased to exist, and I said to myself, "Oh, pshaw, I might feel in a bad humor with anybody else, but any man capable of that smile at this time is such a miracle that I must thank Providence for his creation." [Laughter.]

Mr. KENYON. Mr. President, I ask unanimous consent that the Senator proceed to read the poem.

Mr. WILLIAMS. Mr. President, I hope the Senator will recognize the fact that I was about to read the poem when he interrupted me and brought out this still more interesting subject of his smile—a subject from which I can no more keep my tongue than I can keep my eye; no more keep my tongue from reminiscence of it than take away my eye from its actual performance.

This poem reads in this manner: If the Senate will excuse me, the feet do not seem to be just exactly right. You have to read it peculiarly in order that the feet may appear to be

right. That is one of the characteristics of great poets, who have never tried their hands at this sort of thing before:

We once thought it brilliant honor to be seated in our Senate,  
And have envied all the men it  
Used to hold—

I hope the Presiding Officer will excuse making the word "Senate" rhyme with the two words "men it"; but the author did it, and I am not responsible—

We once thought it brilliant honor to be seated in our Senate,  
And have envied all the men it  
Used to hold;  
But, when they filibuster, poor honor's lost her luster,  
While the business of the Nation grows so cold,  
That, to re-sus-citate it, when they insistently belate it,  
Is a feat would test the prowess of the bravest knight of old!

Now, the second verse requires a more strenuous modulation, in order to make a pretense of keeping its feet, than even the first does; but I will attempt to purvey it:

Why not keep the Senate seated, till they grow so overheated,  
They may not know their craniums from their heels,  
But will know how it feels,  
To be obstructing legislation, 'gainst the interests of the Nation,  
A job-lot school of quacking, talking teals?

Now, I disapprove of the last line, but I suppose the author had to put it in in order to make a rhyme. I would be the last man in the world who would consider the Senator from Ohio or the Senator from Iowa a "quackling, talking teal." On the contrary, I recognize fully their eloquence in every possible respect, and recognize it even while I was being punished by it—that is, to the limited extent to which I consented to be punished by it. I frankly confess that for some 16 hours of that joint effort I felt as if I needed recuperation, and sought it elsewhere, and twice with the permission of the Senator from Iowa; because I had, I think, a more or less fast and binding arrangement with him that he would talk until I could get through dictating my letters. At any rate, whether the arrangement was to be considered binding or not, he did talk until I got through with my letters. With the exception of the time that I was otherwise occupied, which I really regretted, I listened with much pleasure to the eloquence of the two Senators, especially when they were reading. They both read so well, and they both read without any air of the actor or any demonstration. They read slowly, calmly, sedately, deliberately, and senatorially, and I enjoyed it very much—the very drowsiness of it was refreshing.

Mr. KENYON. Mr. President, I should like to ask the Senator if he has completed the poem?

Mr. WILLIAMS. No; the balance of the poem I do not approve of.

Mr. KENYON. It is nearly 2 o'clock, and I thought—

Mr. WILLIAMS. The balance of the poem I do not approve of. That is all I am going to read; but the balance of it I will show to the Senator privately, because I know he will not mind it. It is a comparison between the two Senators and Kaiser Wilhelm. I thought that in the present delicate situation of foreign affairs, with the demand upon the part of the President that we shall observe neutrality in language as well as in feeling, it would be well not to bring the Kaiser in. Besides that, I doubt if he deserved the comparison. I am the last man in the world even to purvey anything which mentions a great official of any foreign country in a light manner, and I thought perhaps bringing him into this discussion might be lightness.

Mr. President, it seems to me that we might well let this bill "go over until after the present emergency in the Treasury has passed," as the late patriots phrased their objection to the rivers and harbors appropriations. I might imitate the Senator from Iowa and the Senator from Ohio when they said: "Here you are about to levy \$100,000,000 upon the American people for emergency taxes. Why not cut off so many millions that you are now devoting to rivers and harbors?" I might say, "You are about to levy \$100,000,000 of additional taxation. Why not just levy \$90,000,000, and let \$10,000,000 of it be saved by not giving it as a gratuity to these commissioned officers, a majority of whom are in affluent circumstances, none of whom are urging it because of disabilities incurred during the war, though perhaps some of them have disabilities; none of whom are urging it because of any financial necessities or financial straits, though perhaps some of them may be subjected to both; I do not know?" Why not let it go over?

By the way, while talking about economy, Mr. President, running the risk of incurring your disapprobation—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. WILLIAMS. Very well, then, I shall not incur your disapprobation. I was just saved in time.

The PRESIDING OFFICER. The unfinished business will be stated.

The SECRETARY. A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The PRESIDING OFFICER. The Senator from Colorado [Mr. SHAFROTH] is entitled to the floor.

Mr. TOWNSEND. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. I want to finish my speech of yesterday. I will be through with it in half an hour probably, or in three-quarters of an hour.

Mr. TOWNSEND. I do not care to make a motion at this time; I merely wish to make a statement.

Mr. SHAFROTH. Very well; I yield for that purpose only.

The PRESIDING OFFICER. The Senator from Colorado yields to the Senator from Michigan to make a statement.

Mr. TOWNSEND. I was going to ask that the unfinished business be laid temporarily aside, but I do not wish to be put in the position of trying to retard the consideration of the Alaska coal bill. I am informed that it will be acted on promptly. I feel that inasmuch as the Senator from Mississippi has disclaimed any intention to filibuster that he is entirely serious in his discussion of the volunteer officers' bill, and we might continue its consideration and dispose of it. I desire to state, however, that I shall at to-morrow's session, or at the close of the consideration of the bill which is the unfinished business, if I can get the floor, move to consider Senate bill 392. I have only asked that it be considered on its merits and that a vote be taken upon it. I believe we are entitled to a vote upon it. I have never resisted consideration of any proposition the Senate has seriously wished to consider. I am not a believer in a filibuster simply for the sake of filibustering. I want to have this retirement bill thoroughly considered by the Senate. Already it has been disclosed that a majority is in favor of considering it.

So I repeat, Mr. President, I shall continue to present this measure to the Senate, and if there is no disposition on the part of the Senator from Mississippi to filibuster, we shall in a short time get a vote upon it.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield.

Mr. WILLIAMS. Of course the Senator from Michigan has a right to bring up the bill whenever he chooses or whenever he can get the permission of the Senate to bring it up. I hope the principle laid down by the Senator will hereafter be obeyed as it heretofore very recently has not been obeyed, to wit, that a measure can be considered item by item, clause by clause, amendment by amendment, upon its merits or its demerits.

Mr. TOWNSEND. I hope the Senator will agree to that, because I am inclined to believe the Senator has offended against that principle about as much as any Senator here.

Mr. WILLIAMS. Now, Mr. President, in that respect the Senator is about as egregiously wrong as even he could be, and I think when he goes to examine the Record he will find my statement to be true. I do remember in the other House at one time conducting for some weeks what was called a filibuster, but it was not to prevent the consideration of public measures; it was to force the consideration of recommendations made by a Republican President, and finally we did get some of them considered. Now, riveting the attention of the country in order that public measures may be considered is one thing; riveting its attention in order that they may be kept from being submitted to a vote is a totally different thing.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

#### ALASKA COAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. SHAFROTH. Mr. President, yesterday I attempted to show that a leasing system for Alaska or for the States is not right, that it was not contemplated by our forefathers in framing the Constitution, and that it is inconsistent with our form of government. A leasing system means perpetuation of title in the Government, which means exemption from taxation forever. You can not have a State or Territory perform its functions of maintaining a Government republican in form which the Constitution of the United States guarantees unless it has the power to levy taxes upon all the lands within its territory except those used for governmental purposes, such as naval and military reservations and post offices. I said that under the enabling acts of the various States we were admitted into the

Union upon an equal footing with the original States in all respects whatsoever; and as the original States and all States east of the Rocky Mountains had the benefit of their natural resources, an equality of footing requires that we should have the same privilege. To impose a royalty upon a people of a State is imposing a tax which has never been imposed upon any other State or upon any other Territory, and it is a tax on the consumer. It is a tax which when it reaches the consumer will be many more times than the royalty which is imposed by the Government. So I said it is inconsistent with our form of government that the great public domain of the United States or the natural resources thereof should remain perpetually in the hands and ownership of the National Government.

I undertook yesterday to show that a leasing proposition or system is inexpedient; that it necessarily creates a great bureau; that the presence of Federal officers in States when they are exercising duties, at least with respect to which the States believe they have special interests, has never been received by the people anywhere with welcome.

I attempted to show, Mr. President, that the Forestry Bureau not only defied the people of the West time and time again, but, further, that they defied even Congress itself; that their actions produce a feeling of discontent and irritation among our people; that as the chief end of government is the happiness of its people any Federal bureau attempting to control local affairs defeats the chief end of government among the citizens affected.

Mr. President, to-day I wish to take up the subject as to whether a leasing system is practicable, and I shall examine it in the same manner that I did the other questions.

### III. IS A FEDERAL LEASING SYSTEM PRACTICABLE?

Mr. President, a leasing system by the Nation, creating the relation of landlord and tenant with the citizens of a State or Territory, is inconsistent with our form of government and generates conditions that will make it a failure. The Government can sue the lessee for a breach of the contract, but the citizen can not sue the Government—his sovereign—on the old theory that "the king can do no wrong." What a travesty on justice. They do not stand upon an equal footing as landlord and tenant between citizens of the same country. The Government is not only the landlord, but the lawmaker and practically the determiner of all disputes. Years ago a great wrong was perpetrated on the citizens of the San Luis Valley, Colo., by the Secretary of the Interior refusing them rights of way for canals and reservoirs for irrigation projects under the general law. A rich valley of more than 1,000,000 acres ever since has remained a barren waste. For years we have pleaded with the Government to bring suit in the United States courts against the claimants of water to test the rights claimed, but without avail. Senator THOMAS is now trying to have a bill passed authorizing the persons injured, to sue the Government, in its own courts, to determine their rights.

The purpose of our Republic is to control national, and not local, affairs; to govern its citizens and not to go into a leasing business, which must produce disputes between the sovereign and the citizen. The object of the Government has always been to aid settlement and development in order to produce loyal citizens who, not only by their lives but by their resources in times of distress, will support the Republic. A man will fight and die for his own home and property, but not for that of his landlord. Who ever heard of a country that was made great by tenants? To produce the best conditions the freest opportunity must be given for that development. Anything that imposes restrictions or difficulties hinders and impedes them. In order that a leasing system may be self-supporting there must be that selfish interest on the part of the landlord which exacts a sufficient rental to make the property pay, irrespective of development. If the rental is low, the system will not be self-supporting; if the rental is high, it produces an increased tax on production which causes an increased price of many times the royalty to the ultimate consumer.

### DOUBLE JURISDICTION MAKES FEDERAL LEASING SYSTEM IMPRACTICABLE.

Mr. President, there will always be a conflict of jurisdiction between the officers of the Nation and of the State as to the police powers to be exercised relative to the properties which are the subject of the leases. These conflicts will surely produce dissatisfaction, irritation, and litigation.

We have in Colorado and in most of the Western States coal-mining bureaus, with the necessary inspectors. They are and have for years been exercising police powers which belong exclusively to the State. They can compel large and costly improvements to be made in order to prevent gas explosions, such as the construction of air flumes extending hundreds and hundreds of feet. They can require daily sprinkling of the coal dust. They can order timbering and propping on a large scale

to prevent cave-ins. They can seize a mine and shut it down if they believe it dangerous. In fact, it is within their power to make a coal-mining enterprise a success or failure. All of this power is necessary to prevent the sacrifice of human lives. When the State attempts to exercise its police powers as to the working of a mine leased by the Nation, it is certain that conflicts between the officers of the Federal Government and of the State will arise, producing not only irritation and discontent but a limitation of the jurisdiction of the Federal Government over its leased lands. The bills all provide for the Secretary of the Interior prescribing the rules as to diligence, skill, care in operation of the property, and as to the safety and welfare of the miners.

We have also in Colorado and most of the mining States metalliferous mining bureaus and inspectors with the same powers as to safety and sanitation.

We have in the arid West full corps of water commissioners—70 in my State—with numerous deputies. They have power under State laws to distribute the waters of their districts according to the decrees of the State courts for domestic, agricultural, mining, and power purposes. If for power purposes large reservoirs are constructed by lessees of the Government, the use of the water therefrom will supplement the flow of the stream at times when it may not be needed for irrigation. To withhold that water from irrigation until winter, when it will be most needed for the generation of power, will be unbearable. To place the disposition of those waters under two jurisdictions, each having a different interest to serve, can not fail to produce confusion, chaos, disputes, and sometimes personal conflicts. If there is one thing above another for which a farmer will fight, it is water with which to save his burning crop. Will not these conditions make a leasing system by the Federal Government impracticable? Does not all of this demonstrate that the advice of the late Justice John M. Harlan, of the United States Supreme Court, is sound when he said:

A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government.

### DISASTROUS EXPERIENCE IN LEASING LEAD MINES OF MISSISSIPPI VALLEY.

Mr. President, the country has had an experience which should teach us a lesson. In 1807, in order to stimulate the production of lead, a munition of war essential to the defense of the Nation, Congress authorized the Secretary of War to lease the lead mines upon public lands in certain Territories of the Union at a royalty of one-sixth of the production. It never attempted to impose such a system upon public lands within the limits of a State. The law was in force when Missouri, Arkansas, Iowa, Illinois, Wisconsin, and Indiana were admitted into the Union. It was then that citizens, legislators, and governors began to protest against the leasing of any natural resource within the limits of a sovereign State. It was then that Senator Thomas H. Benton, of Missouri, began his fight, which lasted for years, against the legislation. After the admission of Illinois into the Union its governor openly advised that the citizens of that Commonwealth absolutely refuse to pay any royalty to the Federal Government for the ores extracted, on the ground that, in equity, the ores belonged to the citizens of the United States, people who had located and mined the ground, and the Government could not appropriate to its own use resources which it held only as a trustee.

President Polk, in a message to Congress in 1845, said:

The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty.

The cost of maintaining the system had been four times as great as the royalties collected. The Secretary of War approved the report of a military examiner, who declared that the benefit to the Government bore "no just proportion to the injury done to the mineral region of the country, first by retarding the settlement of the country, and, second, by the demoralizing influence of the system."

Committees of Congress reported time and again in favor of the repeal of the leasing statute. One of the reports contained the following:

Your committee believes that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens.

When the United States accepted the cession of the Northwestern Territory, the acceptance was on the express condition and under a pledge to form it into distinct republican States and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States. This pledge your committee believes would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the

lands, so that they may be settled, and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge.

In another report we find the following:

Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth explored with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

At last, in 1847, after retarding the development of the country for 40 years, the law was repealed.

President Fillmore, in a message to Congress, on December 2, 1849, referring to the policy to be pursued as to the mineral lands of California, said:

I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies; but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences.

The Supreme Court of the United States in *Mining Co. v. Consolidated Mining Co.* (102 U. S., 167) decided in 1880, in reviewing the history of the systems of royalty as applied to the precious metals, and the careful consideration given by Congress, and the conclusion of our Government as to the best policy to be applied to the mines of California, said:

Matters remained in this condition with slight exception until July 26, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)

What a glorious result followed from that policy. Millions and millions of dollars in precious metals, mined, perhaps, at a cost in labor on the average equal to the value of the ores produced, but which furnished an indestructible circulating medium as basic money that relieved commerce and produced an era of prosperity throughout the entire world.

Is it practicable, after such a signal failure of the Federal leasing system, to resurrect that tried and condemned policy and make it a success? Are not human interests and passions the same now as then? The legislatures of the Western States are protesting now just as those affected in the same way protested then. The legislature of California has demanded that the public lands be taxed if they are to be held in perpetuity by the Federal Government.

It has been said that times have changed since 1847 and that now a leasing system by the Federal Government would be a success. What is there to sustain such a contention? Has there been any experience that would justify such an assumption? No; but there has been, and is now taking place, a vexing experience which demonstrates the contrary.

#### LEASING UNDER FORESTRY BUREAU HAS PROVEN A FAILURE.

Mr. President, under the law setting aside forest reserves, which was enacted to conserve, by the shade of trees and brush, the snow from melting at the sources of streams until midsummer when the waters would be needed for irrigation in the valleys below, the Forestry Bureau, without any direction in the law, proceeded to charge for the grazing of cattle and sheep upon those forest reserves. It first started with a low charge, and has increased the rates in some reserves more than 700 per cent, in an effort to make the system pay. Yet the result has been that the collections from the grazing taxes and timber sales have amounted to only about one-half of the expenses of the administration.

The following table shows the expenditures and receipts for the last two years:

Fiscal year.	Expenditures.	Receipts.	Net loss.
1912.....	\$5,217,827.41	\$2,109,256.91	\$3,108,570.50
1913.....	5,092,111.41	2,391,920.85	2,700,190.56

The appropriation for the year 1914 is \$5,299,679.

Do these figures indicate that a leasing system of the Federal Government is practicable? Do they indicate that the change in the times has been favorable to the existence of the system of landlord and tenant, between the sovereign and its citizens? The difficulty is that in order to make a leasing system a success it is necessary to increase royalties, and that is one of the very causes that produce irritation between the officials and citizens. It is the same feeling of resentment that always follows when the landlord raises the rent. It is very much

magnified by governmental action, because our citizens, knowing that all the Middle Western States received the benefit of their own resources and that we are entitled by our respective enabling acts to the same treatment, feel that such action upon the part of the Federal Government is oppressive. Our people can never get over the feeling that wrong is being perpetrated upon them.

Is a leasing system by the Federal Government under such circumstances practicable? How long will the Government be willing to expend \$3,000,000 a year in excess of receipts for the purpose of maintaining a Federal leasing system when the people most interested abominate it and believe that it is against their interest?

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I do.

Mr. WALSH. That the argument of the Senator may be made more clear, the Forestry Service is annually falling behind, as the Senator indicates; that is to say, the expenditure for keeping it up very largely exceeds the revenue. But there will not be any expenditure attendant upon a system of leasing coal lands, will there?

Mr. SHAFROTH. Mr. President, you must have another bureau. They are not in the same department of the Government and consequently you must have a different bureau; but I would advise—

Mr. WALSH. That is to say, I understand the Senator contends that it will cost more to collect it than the amount of the collections.

Mr. SHAFROTH. That is the experience under the act of 1807. Four dollars was spent by the Government in collecting those royalties for every one that was collected. That is the experience under the act of 1807.

Mr. WEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator.

Mr. WEST. Would dispensing with this leasing system do away with the expenditure of this \$3,000,000 that is accumulating on the Government every year?

Mr. SHAFROTH. Mr. President, we did not have it before this service was created. The Forestry Service, as a matter of fact, has too many men in it, and yet the former Chief of the Forestry Bureau, I understand, has said that when the forests were scientifically managed the service would require 100,000 employees. Every one of those bureaus is trying to become great, trying to have a great number of employees, to enlarge their influence, and to enlarge their power. It is something that grows by what it feeds upon.

Mr. WEST. It is now managed at a net loss annually of \$3,000,000.

Mr. SHAFROTH. Yes, sir. In the receipts is also included the sale of timber. If the Government can make a leasing system pay it should succeed at least once before fastening the system again upon our people.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. WALSH. Mr. President, of course all of the Senators here who are from the West sympathize very keenly with the strictures being made by the Senator from Colorado; we have all felt very keenly, as he expresses it, the burdens attendant upon this system; but it is scarcely fair, it seems to me, to speak about this as a loss of \$3,000,000 annually. I suppose the Senator from Colorado would not want to have the forestry system entirely abolished?

Mr. SHAFROTH. Oh, Mr. President, I would have so many changes in it that you would not recognize the system. In the first place, I would not take a man from Maryland and make him superintendent of the district at Denver, Colo.; I would not take a man from New York and send him to Albuquerque, N. Mex.

Mr. WALSH. Of course the Senator and I would not disagree about that.

Mr. SHAFROTH. I would not take a man from Connecticut, send him clear across the continent, and land him as a supervisor in California.

Mr. WALSH. Of course the Senator from Colorado and I could not possibly get into a dispute about that, nor about many other abuses.

Mr. SHAFROTH. That is what they did. Every one of the supervisors was selected from States in which the forest reserves they were to manage were not located.

Mr. WALSH. I desire to ask the Senator if the State of Colorado pays any money to protect the forests on its lands from destruction by fire?

Mr. SHAFROTH. Mr. President, I think there is a fund for that purpose, though it is not a very large one.

Mr. WALSH. We are obliged to maintain a forestry bureau in our State and to keep in the field a large force to protect the forests upon our State lands. Really, the Senator from Colorado does not want to indicate to us that he does not desire to protect the national lands from destruction by fire?

Mr. SHAFROTH. We have various officers in our State; I think there are 30 or 40 officers called game wardens, who are supposed to be also fire protectors. I think there are probably more than 30; there are probably 50. Then there are also water commissioners.

Mr. WALSH. The Senator from Colorado ought to say that a large portion of this expenditure of \$3,000,000 is for the protection and preservation of the forests.

Mr. SHAFROTH. It is for the payment of the Federal officers who go out there and patrol the forests. Mr. President, I must say that we could dispense with a great deal of that. I believe if it were left to the people of the West they would wipe out nine-tenths of it.

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. SHAFROTH. I yield to the Senator from Tennessee.

Mr. SHIELDS. I desire to ask the Senator from Colorado, when were those men sent from New York and Connecticut to the West?

Mr. SHAFROTH. In 1908. They were sent there after Congress passed a law that, so far as possible—or some language of that kind—men should be appointed to those positions who resided in the States where the forests are situated.

Mr. SHIELDS. Are those men there now in violation of that law?

Mr. SHAFROTH. They are still there. I do not think there has been the change of a single one from that time until this, and they were appointed within three years after the passage of the law.

#### LEASING SYSTEM BY THE STATE A FAILURE.

Mr. President, there might be some excuse for a State leasing system as to its own lands, because, if successful, it creates a fund which takes the place of taxes for the support of the government among the very people who pay the royalties. But a leasing system by a State is impracticable. Colorado has a sale and leasing system under which it leases considerable of its grazing lands, but it is able to obtain only nominal rentals—5 cents an acre per year for such lands without water. Such lands sell for \$5 to \$10 per acre. A 5 per cent return would yield 25 to 50 cents per acre per annum, but 5 cents an acre is only from 1 per cent to one-half of 1 per cent on the value, or less than the taxes that would be paid upon the same were they in private ownership. In other words, rather than maintain a perpetual leasing system, it would be more remunerative to the State to give its lands away, so they could become the subject of taxation. So it is selling as fast as applied for. The receipts of the National Government from grazing taxes and sales of timber from the forest reserves are only 1½ cents per acre per annum. Of those receipts 25 per cent and 10 per cent are paid to the State for school and road purposes, but that is only a little over one-third of a cent per acre per annum, which is not one-fifth of what the taxes would be if the land were in private ownership.

#### LEASING SYSTEM FOR COAL LANDS WILL PROVE A FAILURE.

A leasing system is still less practicable as to coal lands. Competition is so sharp in the production of coal that no operator can hope to succeed unless he has the most improved machinery and the best facilities for mining and marketing his product. Enormous capital, therefore, must be invested in nearly every instance, and a railroad must be built to the mine from the nearest operated line. Men will not make such large investments when they can obtain only a lease, subject to forfeiture for failure to perform any of its provisions.

No better illustration of this fact exists than that found in the testimony of Gov. Spry, of Utah, before the House Committee on the Public Lands. He said:

We have the Utah Copper Co. out there in Salt Lake Valley, operating at Bingham Canyon, about 20 miles from the city. There is a company that went in there, and solely because of confidence in that dirt they spent \$50,000,000 before they had \$1 returned to them from profits.

If we had put that proposition (referring to a leasing system) up to the Utah Copper Co., they would have laughed at it.

Gov. Spry further testified that the company employs 3,000 men and is responsible for a population of 25,000 people in the

Salt Lake Valley. Under a leasing system capitalists would not have developed this great property. Consequently the Nation would not have received the benefit of its large product, with its influence in lowering prices, and Utah would not have received the additional 25,000 inhabitants.

Is it not plain that a governmental leasing system is impracticable, especially as to large enterprises, and is it not equally plain that the States affected would thereby be retarded both in development and population?

Capitalists will not lend money to open up, develop, and buy expensive machinery for coal mines held under leases, subject to forfeiture. Who ever heard of a bond issue secured by mortgage upon a leasehold mining estate? There is no market for such bonds. Hence the enterprising business men, unless they are very rich, will practically be excluded.

Now, nearly all of the large coal companies are organized by men of small means, who interest the capitalists in the enterprise. Lessees usually work the mine to their own advantage and not for its permanent improvement, as do proprietors.

The State of Colorado owns enough coal land to supply the inhabitants of that State for 300 years, yet it is able to lease only 3 per cent of its coal lands at 10 cents per ton royalty, and less than one-half of those leased lands are being worked. Although there are leasing laws for coal on State lands in Wyoming, Utah, Idaho, Oregon, New Mexico, and North Dakota, yet no one has found it sufficiently attractive to take out a lease in any of those States. If a leasing system backed by the good object of obtaining money for school purposes in the lessees' own State is a failure, how much more certain must be the failure of a system by the Federal Government, the royalties of which the people feel are wrongful exactions?

A most inconsistent position of the Government in connection with the leasing of its coal lands to its citizens arises from the fact that in order to make the system a success it must encourage the high price for coal, so as to tempt the operators by profits to enter into leases. On the other hand, the Government owes a duty to the people to curb the price of coal, and hence discourage high prices.

Mr. WEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator from Georgia.

Mr. WEST. In the pending Alaska bill what is it proposed to charge per ton for leasing land for the digging of coal?

Mr. SHAFROTH. Under the Senate amendment it is proposed to lease it from 2 to 5 cents a ton, while in the House bill it is not less than 2 cents. There is no maximum limit as to the price in the House bill.

Mr. WEST. It would take quite a time to pay for the proposed railroad, would it not?

Mr. SHAFROTH. I think it would.

#### COST OF COAL UNDER OWNERSHIP AND LEASING SYSTEMS.

Mr. President, while a leasing system by the Government has been a success in some countries from the standpoint of the lessee, it has been a failure in those same countries from the standpoint of the consumer and to the industries dependent upon cheap coal. Under its system of mining the coal by proprietors the United States has produced the cheapest coal in the world and yet paid the highest wages to the miners. It is this cheap coal that has stimulated our production of iron, steel, and many other industries.

In Senate Document No. 482, by Thomas P. McDonald, there is given a table, compiled from official reports, which shows that under the system now in force in the United States the price of coal at the mouth of the mine is not much over one-half as high as in those countries which have a leasing system. Mr. McDonald's table, referring to bituminous coal, is reproduced, as follows:

	Year.	Tons.	Value per ton at mine.
United States.....	1911	1,405,757,101	\$1.11
Nova Scotia.....	1911	26,208,444	2.01
New South Wales.....	1911	8,691,604	1.82
New Zealand.....	1912	42,066,073	( <sup>1</sup> )
New Zealand (State mine).....	1912	4371,628	2.00
Victoria (State mine).....	1912	7396,042	2.28
West Australia.....	1912	1249,890	2.22

<sup>1</sup> Coal production in 1911. By E. W. Parker, of the U. S. Geological Survey.

<sup>2</sup> Report of department of mines for year ending Sept. 30, 1911.

<sup>3</sup> Annual report minister of mines, New South Wales.

<sup>4</sup> Official reports relating to mines and minerals.

<sup>5</sup> Not given.

<sup>6</sup> Report of manager State coal mine, Nov. 30, 1912.

<sup>7</sup> Report of manager State coal mine, 1912.

<sup>8</sup> Report of mines for 1911.

The following, taken from the same Senate document, shows the price of bituminous coal per ton at the mine for 1911, according to the United States Geological Survey, to be even lower than that given above:

States.	Tons.	Price at mine.
Illinois.....	53,679,118	\$1.11
Indiana.....	14,201,355	1.08
Pennsylvania.....	144,754,163	1.01
Ohio.....	30,759,986	1.03
West Virginia.....	59,531,580	.90

These figures demonstrate that in the production of bituminous coal there is no monopoly in the United States. Nor can there ever be, since there is enough coal in the public lands to supply the world for 5,000 years, and the lands can be disposed of under restrictions against large holdings, which will follow the title.

In view of these figures, can it be said to be practicable to change from the tried policy of the disposition by sale of the coal lands to a leasing system?

In the statement of Mr. McDonald before the Senate Committee on Territories, on May 7, 1913, at page 117 of the hearings, is the following:

The keen competition in the production and sale of coal in the United States under our system of private ownership of the coal land is saving the industries that consume our coal, as compared with those countries operating under the leasing system, hundreds of millions of dollars annually. Our present consumption is about 400,000,000 tons per year. Now compute the annual saving to the industries of the United States on this annual coal bill of 400,000,000 tons as against New South Wales, a saving of \$0.64 per ton, \$256,000,000; Nova Scotia and New Zealand, a saving of \$0.89 per ton, \$356,000,000; West Australia, a saving of \$1.11 per ton, \$444,000,000; Victoria (State mine), a saving of \$1.17 per ton, \$468,000,000.

This indicates a saving to the industries of the United States of approximately a million dollars per day—no mean advantage when we are seeking a world's market for the products of our mills and factories.

Mr. WEST. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Georgia.

Mr. WEST. What troubles me is the great difference in the cost. Why is it? How do you account for it?

Mr. SHAFROTH. Well, in one case you have the keen, sharp business interest of the man who owns the mine, as against that of the Government inspectors, who have no direct personal interest in the result. Then, of course, there is the addition of rents and royalties. Under a leasing system you have not that private incentive and enterprise that is always evident in a mine operated on a large scale by its owners. The very fact that under a leasing system the operators will not get the best machinery, and can not afford to get it, is a potent argument against that system. What man is going to lend money for the purpose of equipping a mine when the mine may be forfeited absolutely for noncompliance with some provision of the lease? Men are not going to lend money under such circumstances; they can get their interest through other investments; and thus the man who attempts to operate a mine under a lease is acting at a disadvantage, because he has not the equipment. Can he build railroads? No; because he can not get the money.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. WALSH. The Senator from West Virginia [Mr. CHILTON] advises me that a very high proportion of the coal produced in his State, which is one of the leading coal-producing States, is produced by lessees, and that the leasing system is prevalent in that State. The same difficulty would arise about financing the operations there, would it not?

Mr. SHAFROTH. Well, the Government does not own any of that coal land; that is one thing; and they do not have Federal inspectors to inspect it. I want to say to the Senator now that that statement has been made before, and I looked the matter up for the purpose of ascertaining what proportion of the coal of the United States is mined under lease.

Mr. WALSH. I can furnish the Senator the figures for West Virginia.

Mr. SHAFROTH. Very well.

Mr. WALSH. In 1909 there were mined from lands held in private ownership 17,000,000 tons of coal, from lands held by lessees 26,000,000 tons, and by the owners and lessees 8,000,000 tons; so that it appears that about two-thirds of all the coal mined in the State of West Virginia is mined under lease.

Mr. SHAFROTH. Mr. President, those figures correspond with the ones I have; but no doubt you will find that the mines are equipped by the owner and all of the machinery is paid for,

probably, by a large investment company. The owner, knowing that he can secure possession and operate the mine if the tenant fails, can afford to lease on such terms that the tenant probably can work to some advantage. He does not suffer the disadvantage which a man experiences when he deals with the Government. Invariably in the case of Government leases the provisions of the lease are never waived, because the officers of the Government are afraid of criticism if they waive the provisions of a lease. The Government is more exacting, and consequently, men do not take to the idea of acquiring by lease a raw mine, unequipped in any way, without any advantages whatever, and being obliged to put in expensive machinery. The conditions in West Virginia, to which the Senator from Montana has referred, are not applicable to the mines proposed to be opened up in Alaska or upon the public lands elsewhere.

Mr. President, I want to go a little further and show what proportion of coal in the United States is mined by proprietors and how much by lessees. Here is a table taken from one of the Government reports. I do not know which report, and no statement is given as to that. It shows the number of tons of coal mined in the United States under private ownership and lease, as follows:

Mined by the owners, 334,669,298 tons.

One of the Senators has referred to the fact that there is more coal mined under lease than under private ownership, but, Mr. President, there are 334,000,000 tons mined by the proprietors:

Mined by lessees, 82,943,651 tons; and by owners and lessees, 42,929,000 tons.

Thus three-fourths of the coal mines of the United States are operated by the owners, and not by lessees. I venture the assertion that, if you will look into the question of leasing, you will find that the owner equips the mine ready for the miner to go in, and thereby the hazard he will have to incur if he has Government leasing does not prevail.

Mr. WEST. Mr. President, I did not understand whether the Senator, in the enumeration which he just gave, referred to acres or tons.

Mr. SHAFROTH. To tons.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I do.

Mr. WHITE. Along the line the Senator from Colorado was just discussing, the coal operators very often adopt what is called the leasing system as a means of paying for the output of coal. It is done to take from the operator the danger of loss of life or injury to individuals employed and to put it on the lessee. The lessee does not have anything to do with the mine except to dig or blast the coal, load it on the cars, and send it out to the haulage way, where it is taken charge of; he does not supply any of the equipment, except the mere tools he works with; and he is paid so much a ton. Instead of leasing the mine, he simply leases so many rooms in an entry or an entry; and he is paid by the ton to get that out; but he does not assume any responsibility with reference to the conduct of the mine. He does not supply the air; he does not supply the water; he does not supply the machinery; he does not supply the haulage; he does not supply anything except the mere labor of taking the coal out of the mine and loading it on the tramcar.

Mr. SHAFROTH. Mr. President, I thank the Senator very much for that information.

Mr. WALSH. Mr. President, before the Senator passes from that subject—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield to the Senator.

Mr. WALSH. I observe that one-half as much coal is mined in the State of Colorado under the leasing system as under the ownership system. Will the Senator kindly tell us if these difficulties about financing the proposition are experienced in his State?

Mr. SHAFROTH. Mr. President, I hardly suppose the Senator would count that a leasing proposition. The miner does not put up a dollar, just as the Senator from Alabama [Mr. WHITE] has said.

Mr. WALSH. Mr. President, the Senator from Colorado is too familiar with the coal-mining business to be misled by that. The Senator from Colorado knows that that is not the leasing system at all.

Mr. SHAFROTH. I do not know; I can not say. I should like information.

Mr. WALSH. I know enough about the coal-mining business, from the experience I have had in my State, to know that that is not a leasing system at all.

Mr. SHAFROTH. Mr. President, I will warrant that if you go into the question of these leasing propositions you will ascertain that there is no comparison between a leasing system by the Government and a leasing system between private parties. In the case of private parties you will find that the mine is a developed mine; that the railroad is there; that the lines of railroad run to the mine; and that the mine itself is fully equipped and ready, and may be turned over to the lessee and operated to advantage with very little outlay to the lessee.

Mr. WALSH. Can the Senator tell us is that the case in his State?

Mr. SHAFROTH. I would not be certain, but my impression is—

Mr. WALSH. Does not the Senator know?

Mr. SHAFROTH. I know of no mines that are leased, except some of the State mines.

Mr. WALSH. I can tell the Senator about many more—

Mr. SHAFROTH. All right.

Mr. WALSH. But I should like to ask the Senator if the fact is not that all the equipment in his State is owned by the lessee and not by the lessor?

Mr. SHAFROTH. Not that I know of. Does the Colorado Fuel & Iron Co. own its own equipment?

Mr. WALSH. It does; and it leases a vast area of land.

Mr. SHAFROTH. It leases simply some coal land from the State. That is all that I know of. It owns a great quantity of land; there is no doubt about that.

Mr. President, the proposition of going to a country like Alaska or elsewhere upon the public domain and attempting to operate coal mines under lease from the Government is inconsistent with business principles. The very fact that the man's title to that leasehold estate may vanish in a night would prevent him, even if he has the money, from putting it into the enterprise, and would prevent capitalists from lending him money. We would have the same experience that we had in the lead-mining districts for a period of 40 years following 1807.

Mr. President, because of these facts we contend that it is utterly impracticable for the Government to establish a leasing system under which operators paying royalties can meet the sharp competition now existing among companies which own their own mines and use the most modern machinery for the extraction and transportation of coal. Hence the proposed change will result only in locking up the resources of the West and retarding their development. By continuing the unlawful permanent orders of withdrawals or by accomplishing the same thing by excessive valuations, communities and industries may in a few instances be driven to take leases, but for a general policy of development it will prove a failure.

For these reasons I contend that the establishment by the Government of a leasing system for the natural resources of the public domain within the boundaries of a State—

First. Would not be right.

Second. Would not be expedient.

Third. Would not be practicable.

I contend that the true policy of the Government is, as the founders contemplated, the disposition of the public domain by selling it under such restrictions as to the holding of large areas or properties, directly or indirectly, as will prevent monopoly.

It must be remembered that it was Thomas Jefferson who said:

Agriculture, manufacture, commerce, and navigation, the four pillars of prosperity, are the most thriving when left most free to individual enterprises.

Senators, do not force this un-American servile policy upon us. Mountain States have ever been characterized by poets as the birthplace of liberty and freedom. Jealous of the rights of their citizens, they can not fail to regard such legislation as tyrannical and oppressive. Let us continue the policy of selling, with limitations as to holdings, which has produced a development and prosperity that has been the wonder and admiration of the world.

Mr. President, I want to take up now just a few things in answer to what has been said.

It was said that this is an emergency measure. Why is it an emergency measure? Who is at fault as to the emergency? Who made the emergency, as suggested by the Senator from Arizona [Mr. SMITH]?

Mr. President, eight years ago there was an order issued, which came from the influence of the Forestry Bureau, that all coal lands in Alaska should be withdrawn, and a similar order was issued as to the coal lands upon the public domain in the

States. That order to-day can be revoked in 10 minutes, and entries under existing laws can be made immediately thereafter. Where is the emergency?

They say that there has been a policy established years back and that the departments have continued that policy, and felt that they ought to recognize what has been done and be very chary about changing matters. Mr. President, those withdrawals were contrary to law at that time, and they are contrary to law now. They are asking us to wait, to wait, to wait, until legislation is had in Congress which will force a leasing system upon the people of this country.

Mr. President, can departments, can forestry bureaus, absolutely defy the law? The law is that you can make entry now except for the temporary order—and it is called by the department a "temporary order." Eight years it has existed, and there is no relief. They say now, because they do not want to change the orders in some way, that therefore we must yield; we must give up our decision; we must absolutely bow to the will of Federal bureaus, which we have created, and have our lands sacrificed to a system which will produce, in my judgment, a very retarding effect in the development of our country.

Is that an emergency? Is it possible that they can urge that as an emergency—that because they themselves do not revoke unlawful orders, therefore we should yield to them and grant them a policy which, in my judgment, contains the seeds of almost destruction to the industries of our State?

O, Mr. President, this can not be upheld on the theory of an emergency. It can be upheld only upon the theory that they do not want any more public lands sold; that they do not want these coal lands in private ownership; that they want to force a leasing system upon us. You will hear the cry that something must be done; and if something must be done, it seems that the deliberate judgment of the Senate ought not to be overruled by any bureau on earth.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. In the face of this illegal order of which the Senator speaks—and I myself think it utterly without any authority—what prevents anyone to-day from going upon the coal lands of the United States, in spite of the order, and making a location?

Mr. SHAFROTH. He will never get his title, and nobody will advance money for the development of it until he gets his title.

Mr. SMITH of Arizona. Then it is simply a dog-in-the-manger proposition—nothing more or less.

Mr. SHAFROTH. Mr. President, on yesterday the Senator from Utah [Mr. SMOOT] called attention to the fact that there had been entries of coal lands made in Alaska and \$400,000 collected for the land eight years ago; that not a charge of any kind had been preferred against the owners of that property, no protest made, no adverse claim whatever, and yet no patent has been issued. The fact that one bureau or one department has taken certain action is no reason why one that succeeds it should follow it from courtesy. The law never was that there should be any withdrawal except for temporary purposes. In the States they have gotten around that by simply putting such exorbitant prices on coal lands that it is the same thing as withdrawal. In some instances \$400 an acre has been placed as the appraised value of these Government coal lands in my State.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I yield to the Senator.

Mr. POINDEXTER. The Senator, as I understand, states that these orders with reference to the coal lands in Alaska were illegal.

Mr. SHAFROTH. Why, certainly.

Mr. POINDEXTER. That they were without authority. They were made, many of them, during Mr. Taft's administration.

Mr. SHAFROTH. That may be.

Mr. POINDEXTER. And some of them were made during the preceding administration.

Mr. SHAFROTH. Yes, sir.

Mr. POINDEXTER. And they are being sustained during the present administration.

Mr. SHAFROTH. I presume the present administration has a delicacy about overturning a policy that has come to it.

Mr. POINDEXTER. Does the Senator think that a great Democratic administration would have any delicacy about set-

ting aside illegal and unlawful orders that were made by its predecessors?

Mr. SHAFROTH. I will ask the Senator whether he thinks they are legal?

Mr. POINDEXTER. I have not the slightest doubt about their legality.

Mr. SHAFROTH. Can the Senator show me any law that says so?

Mr. POINDEXTER. I do not want to make a speech in the midst of the Senator's speech. Everything the Senator has advanced here has been fought out not only in the courts but elsewhere. Many of the people in Alaska that the Senator speaks of no doubt have acted in good faith; but others have acted criminally, and some of them have been convicted in the courts of fraud in connection with the mining claims upon which they have filed.

Mr. SHAFROTH. Yes; and if they are guilty of fraud, they ought to be sent to the penitentiary.

Mr. POINDEXTER. The whole policy that the Senator is attacking is not simply the fiat of some bureau, as he says, but it is a policy which has been the subject of a good many political campaigns. It has been argued before the people; it has been decided in elections; it has been sustained by two Republican administrations, and is now being sustained by a Democratic administration. The Senator is apparently somewhat in conflict with the executive department of his own party.

Mr. SHAFROTH. Mr. President, I want to call the attention of the Senator to the fact that it has not been sustained in my State, and I want to read to him just what the Democratic platform was in my State.

Mr. POINDEXTER. This bill does not relate to the Senator's State.

Mr. SHAFROTH. Oh, well, it is based on the same principle as another bill that is to come here, and will reach here by Saturday.

Mr. WALSH. Mr. President, before the Senator passes from that subject—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Let me answer this, and then I will yield to the Senator from Montana. I want to say to the Senator that this was the Democratic platform declaration in Colorado as showing whether or not it was sustained by the people of this country:

We denounce the policy of the Republican administration, which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the express determination of imposing upon the West a permanent bureaucratic rule, a Federal leasing system of all the Government resources within our borders, thereby disastrously retarding the development of our State, and depriving our Commonwealth of its just constitutional rights.

Is that a nice indorsement of a policy?

Now let us see what the Republican Party of Colorado says:

We condemn the policy of extreme conservation inaugurated by President Roosevelt, James R. Garfield, Gifford Pinchot, and other extremists, and we insist that the public lands and resources of this State should be so administered as to place them in the hands of actual settlers and without undue and unreasonable restrictions. We are unalterably opposed to the petty and annoying interference by vast numbers of Government employees operating under bureaus at Washington, as such conduct prevents and has prevented the development of the mining resources of the country, has retarded the utilization of its water powers, and has driven settlers to seek homes in Canada and elsewhere.

O, Mr. President, that is a fine indorsement of Mr. Taft's administration from the Republican Party of the State of Colorado in 1912.

Mr. POINDEXTER. Mr. President, I admit that in 1912 the only States that indorsed Mr. Taft's administration were the States of Utah and Vermont.

Mr. SHAFROTH. But how can the Senator say, then, that the policy of Mr. Taft was approved so unanimously by the people?

Mr. POINDEXTER. The policy of Mr. Taft was repudiated. The withdrawal of coal lands was a temporary measure to save them from monopoly. Mr. Taft opposed this policy, but it was forced upon his administration by public opinion. But the Senator is denouncing the administration of his own party, which has been in power for pretty nearly two years, and has maintained these withdrawals pending the adoption of some such measure as this bill.

Mr. SHAFROTH. I am denouncing the conditions that brought on this policy, which probably has not been overturned as yet, but which we hope to overturn.

Mr. POINDEXTER. My prediction is that it never will be overturned.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes; I yield to the Senator from Utah.

Mr. SMOOT. I agree with the Senator from Washington that some of the 1,162 coal entries in Alaska were fraudulent; but there are many of those entries that are not fraudulent, that were made in good faith, and the law complied with.

While we are discussing the question, I think we ought to be perfectly frank and admit the situation just as it is. Patents have not been issued to the entrymen who have made their entries in good faith and complied with the law and paid their money into the United States Treasury because of a policy that has been agreed to that no coal shall be mined in Alaska unless it is under the leasing system. Mr. President, I have heard officials of this Government say that there never shall be a pound of coal mined or the title to a piece of coal land granted to a single entryman until Congress yields and passes a leasing law.

That is the situation as it is and has been for a great many years. I want to say this: Knowing that to be true, and knowing the frightful condition of the people in Alaska, knowing that they have been compelled to pay \$18 and \$20 a ton for coal when they had unlimited quantities right at their very doors, I introduced a bill some four years ago, and again some two years ago, for the leasing of coal lands in Alaska. The reason why I did that was not because I believed in the leasing system, Mr. President; but as the title to the great bulk—in fact, I might say over 99 per cent—of the coal lands in Alaska was still in the Government, I thought perhaps it would be better to accept a leasing system for Alaska than to compel those people to suffer the injustice they have been suffering for so many years past. I want to say that when I vote for this bill—and I am going to vote for it—it will be with that distinct understanding, and it will be because the people of Alaska are appealing for assistance from Congress, even if it be nothing more than a leasing system.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Colorado yield to me?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. SHAFROTH. I do.

Mr. MARTINE of New Jersey. I feel very keenly on this subject. I am opposed to this measure. Whether it be a Republican or a Democratic measure, I care not. I am stoutly opposed to the thought of the Government leasing these or any other coal lands or mines. I want the Government to work them. Why, Mr. President, to lease these mines is but to invite again a similar condition to that which we have had already in West Virginia and in Colorado, with all the uncanny methods and with the bloodshed and tumult that appeared in those sections. I feel that it is inviting calamity, trouble, and disaster.

Coal is a prime necessity, and in wisdom I believe it should be mined and worked by the Government for the people. I beg you, Senators, do not take this step, which has cursed West Virginia and Colorado and will curse any land that it touches.

The evils of the leasing system came to me while I was commissioned as one of a committee from this body to make an investigation in West Virginia. I then made up my mind never again to vote to lease a foot of land of this God-given wealth to a private party. I then so declared, and in the report which I had the honor to present to the Senate I still insisted upon it.

Absentee ownership—and that is what your leasing system amounts to, for a term of 99 years or thereabouts—is the curse of the State of West Virginia. It has brought the men who work those mines to slavery and beggary and has not advanced the well-being of our land.

I plead with all the earnestness there is within me that the Senate may never take the step of leasing further this prime necessity that touches us in our manufactures, touches us in our daily life, touches us in the matter of cooking the food we eat and providing warmth for our bodies against the rigors of winter. There is nothing in it. I can see no reason in the world for adopting it.

Men I know tell me that this is a sort of Utopian ideal that can never come about; but you have never tried to bring it about. The history of Government ownership, the history of Government control, management, and operation in almost every instance and in every condition, no matter whether it be in manufacture or whether it be in mining, has produced the world over cheaper material to the people, better wage to the man who works, and better conditions socially and financially to the man who must earn his bread by the sweat of his brow.

I believe my friends the Senators from Montana [Mr. WALSH and Mr. MYERS] are prompted by lofty aims and ambitions; but

I say this would be a step backward. I plead with you as men and as patriots—not descending to the mean level of a partisan policy, but as men and as patriots—to turn your faces against this system. Let us come out flat-footedly for Government ownership of these mines.

After the report which I had the honor, in common with the other Senators who were with me, to present. I received scores and scores of letters from all over this land, and many personal communications from men of large interests and prominence, indorsing the thought to the end and to the extreme.

Mr. SHAFROTH. Mr. President. I want to state that I am satisfied that nothing but the highest motives have prompted the two Senators from Montana and the other members of the Public Lands Committee in reporting this bill, and I have no doubt but that the highest motives of beneficial results to the people themselves prompt the Senator from Washington [Mr. POINDEXTER] in the position he has taken. But, Mr. President, in endeavoring to determine what legislation should be enacted, we will differ and must differ. It is best that we should differ in order to get at the best results in legislation.

Mr. MYERS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. MYERS. I should like to ask the Senator a question.

Mr. SHAFROTH. Yes; I yield.

Mr. MYERS. Did the Senator vote for the Alaskan railway bill?

Mr. SHAFROTH. I did.

Mr. MYERS. The Senator would not vote for Government ownership of railroads in States would he?

Mr. SHAFROTH. No.

Mr. MYERS. Then does not the Senator see that the conditions are so different in Alaska from those in the States that what may be applicable in the States is absolutely necessary in Alaska?

Mr. SHAFROTH. Why, there are possibilities; but when you go into the question of leasing the fundamental principles of right and economic administration are not lacking in Alaska any more than they are lacking in the United States proper.

I will say to the Senator from Washington that in regard to the legality of these entries I want to read the declaration made by President Roosevelt when he withdrew these lands:

It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question can be properly settled only by legislation.

Where is there any authority to keep people away for eight years from the benefits of the laws that the Congress of the United States has passed, and which laws would be self-operating to-day were it not for the fact that patents will not be issued because of that temporary order?

Mr. President, it seems to me from all points that it is unwise for the people to enter upon a leasing system as to the public domain, either within the boundaries of States or within the boundaries of Territories.

Mr. WALSH. Mr. President, I have no purpose or desire to answer at length the able and exhaustive discussion of this subject to which we have listened from the Senator from Colorado. I feel, however, that something is due from those who are urging the passage of this bill in the way of brief reference to some of the suggestions made by him.

The general laws of the United States in relation to the disposition of coal lands were extended by act of Congress over the Territory of Alaska in the year 1901. Very rich deposits of coal in that Territory had been discovered, and there was an immediate rush to that region to secure coal lands under the provisions of the law which authorized the appropriation of lands of that character in fee. It was recognized and generally understood that many of the entries which had been made were fraudulent in character, accomplished by means which at one time were more or less resorted to. The result was that to prevent the wholesale appropriation of these very valuable lands, in violation of the real purpose of the law, an order was put out withdrawing from appropriation all coal lands in the Territory of Alaska. That was in the year 1903, and despite subsequent legislation that order still remains in force and effect; so that under existing law there is no method by which anyone can to-day acquire title to any coal land in the Territory of Alaska.

The department was then called upon to determine the validity of the entries of coal lands which had been made up to the time of the withdrawal order issued in the year 1903. Something like 1,100 entries had been made. Over 500 of those have been passed upon by the Interior Department and held to be fraudulent. Patents have been issued to two small tracts of

coal land in the Territory of Alaska; and all of the remaining entries, some five hundred odd in number, still remain undetermined in the General Land Office. So it is impossible to work the lands to which title has heretofore been asserted, and it is impossible to initiate title to the remaining lands in the existing state of the law.

That has been the condition of things now for a period of eight years. With millions and millions of tons of coal at the very doors of the residents of Alaska, they are obliged to obtain fuel to protect themselves from the rigors of their hard winter climate by coal imported from British Columbia, Australia, and other British possessions.

Now, let us not endeavor to evade the responsibility. The distinguished Senator from the State of Colorado has told you that this order of withdrawal was made at the instigation and under the suggestion of the head of the Forestry Bureau. Mr. Pinchot was the head of the bureau at that time. However that may be, the right to make the withdrawal is in the President of the United States. It is he who makes the withdrawal, and the same officer has the power at any time to revoke the order. So let us put the responsibility just exactly where it belongs. On the 4th of March, 1913, and for four years prior thereto, it was with William H. Taft, the President of the United States. From that time down to this date it rests with the present Executive of the Nation. Let us not try to throw it off on any subordinate.

The head of the Nation has deemed it wise, both in a Republican and in a Democratic administration, to adhere to the policy of withholding from entry the Alaska coal lands until the country has reached the conclusion that no more coal lands will ever be disposed of in the Territory of Alaska under the alienation in fee system. Indeed, the Alaska people themselves recognize that and accept the situation, and they are here asking you to pass any kind of a bill that will receive the sanction of the President and the Congress of the United States so that these lands may be opened.

The Senator from Colorado referred in the course of his interesting address to a very illuminating article which is found in the record contributed by Mr. T. P. McDonald, formerly of my own State, who has extensive coal interests in Alaska, a man eminently well informed upon this whole subject. Mr. McDonald said in the course of this article:

Public sentiment seems to demand that the title to coal lands on the public domain in Alaska be retained in the Government, and the bill now pending for the leasing of the coal lands in Alaska is an effort to crystallize the sentiment into law.

Mr. McDonald speaks the sentiment of the Alaska people.

Mr. SMOOT. I take it for granted that the Senator knows that Mr. McDonald was not in favor of a leasing system. He appeared before the Public Lands Committee I presume half a dozen times when I was chairman of it. Mr. McDonald now prefers the passage of this bill rather than to let the situation remain as it has been in the past. He thinks it is better to even accept this leasing system than to have Alaska tied up as it has been for the last 8 or 10 years.

Mr. WALSH. That is the idea I endeavored to convey to the Senate, that the people in Alaska, like the people in the West generally, have been wedded to the system of the disposition of all public land in fee; but they recognize, as is here stated by Mr. McDonald, that the people of this country have determined that that policy shall no longer obtain, necessitating a law for the leasing of coal lands in Alaska that its people may escape from an unbearable situation.

Mr. SHAFROTH. Can the Senator cite any declarations made by political parties which have ever indorsed the leasing system?

Mr. WALSH. It is not necessary.

Mr. SHAFROTH. Then why does the Senator say that it has been determined by the people of the United States? There is no legislation which has taken place and no political platform has said so.

Mr. WALSH. It is not necessary to say a word more than that the Senator, with all his power, being a member of the political party of the present Executive, has not been able to get him to revoke the order withdrawing these lands.

Mr. SHAFROTH. I have not applied to him to get him to revoke it; but when the Senator says it has been decreed, it must be either by an act of Congress or else it must be by sentiments expressed in political platforms, and there is not one syllable in either the Democratic national platform or the Republican national platform that sanctions a leasing system.

Mr. WALSH. In speaking as I do about this matter I give my opinion as to what is the public sentiment of the country on this particular question. As with the constituents of the Senator from Colorado, this has been a matter of deep concern to the people of my State for many years.

Mr. WEST. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. If it costs in excess of \$3,000,000 over the cost of production as to these lands annually, why is it not the policy of the Government to sell the land rather than to have this horde of leeches, who are a drain on the Government every year to that extent? I refer to those in the Forest Service.

Mr. WALSH. Mr. President, the Senator is in error about the facts. There is no leasing system applicable to mining lands at all at the present time except in respect to one particular mine in the State of Wyoming. The \$3,000,000 item the Senator is speaking about was referred to by the Senator from Colorado. It is the expense of maintaining the national forests. The National Government owns vast areas of land covered with forests. It has a great army of officials in the field guarding those forests, protecting them from fires, protecting them from depredations, protecting them from trespassers, and it has a large number of men engaged in various lines of activity in connection with those forests. It has certain revenues from the forests derived from grazing fees as well as from timber sold, and the expense annually of keeping them up and protecting them is \$3,000,000 in excess of the revenue.

Mr. WEST. Here is the point: If the Government is to continue the Forest Service and sustain this horde of people at a large expense every year, and it is to continue, had we not better do without the forests and sell them off entirely?

Mr. WALSH. The Senator from Georgia will kindly excuse me from discussing at this time the wisdom of the general policy of forest preservation. It would take a very long time. I trust the Senator will see that the question of determining whether we shall sell coal lands or lease coal lands is quite a different proposition from the question as to whether we shall allow our forests to be burnt up by forest fires and cut down by trespassers. I trust the Senator will see that the two questions are very distinctly related if they have any relation at all to each other.

Mr. WEST. I see that, Mr. President, but it presents itself this way to my mind: If the Government is never to get out of the forests what it puts into them, why does not the Government dispose of the forests to people who will make something out of them?

Mr. WALSH. As I said, I do not want to be diverted at this time into a defense of the policy of the Forestry Bureau. Like the Senator from Colorado, I have many, many causes of complaint against the forestry system, but I conceive that it is entirely unrelated to the question before the Senate at this time.

Mr. BORAH. Mr. President—

Mr. WALSH. That question is as to whether we shall dispose of the coal lands of Alaska in fee or whether we shall hold the title in the Government of the United States and give leases of the land for limited periods.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. If the Senator is going forward to make a connected argument, I do not desire to interrupt him at this time, but there are two subjects matter upon which I should like to hear the Senator, knowing that the Senator from Montana has given a great deal of time to this subject. First, under the leasing system proposed in the bill which we are now considering what means has the Government of preventing what we might call a monopoly of the coal lands—that is, the output of the coal lands—and what means will the Government have of protecting the ultimate consumer in the price the lessee shall charge for this coal?

Mr. WALSH. Mr. President, those questions will come up, I take it, in the discussion of the details of the bill. An amendment was offered in the other branch of Congress which left with the Secretary of the Interior the power to fix a price at which the output of the mine could be sold. If I may, I can speak briefly about the matter, though it takes me away from the line of thought that I desired to pursue. I merely desire to say that probably an amendment will be offered and there will be an opportunity given to discuss it; but I think the provisions of the bill, as it stands, are ample to protect the people against the exactions of monopoly, and I am not able to give my assent to an amendment on the line proposed. I feel certain that it will be the subject of discussion before the bill is disposed of.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do.

Mr. POINDEXTER. I think the inquiry of the Senator from Idaho is a very pertinent one, and if the Senator from Montana will allow me to do so in just a word, I desire to say that, in my judgment, the only effective regulation of the price of coal to the people of Alaska and all other parts of the country who will buy this coal when mined will be Government competition. Instead of the 5,120 acres and 7,680 acres of land that are reserved in the bill—and, of course, I expect to support the bill, but I should like to see it amended somewhat, if possible—there ought to be reserved at least one-half of the minable coal in Alaska, and the administration ought to be authorized and instructed to operate the mines, and when the Government puts its coal on the market that would operate as a regulator of the price.

Mr. BORAH. Mr. President, may I interrupt further to ask the Senator from Washington, Does he conceive that there is any provision in the bill now which would enable the Government to control the question of price?

Mr. POINDEXTER. Does the Senator mean to enable the Government to control it in the way of competition?

Mr. BORAH. Yes; by competition or in any other way.

Mr. POINDEXTER. There is no provision in the bill which would allow the Government to control it in any other way. There might be by implication, in my judgment, a power vested in the Government by the bill to mine coal and sell it to the public, although it is only an implication, and whether the department would so construe it is a very doubtful question.

Mr. WALSH. I will say to the Senator from Idaho that there is a provision in the bill reserving 5,120 acres of land in the Bering River field and 7,680 acres or thereabouts in the Matanuska field. That is reserved for any purpose to which the United States may care to devote it, including the mining of the same by the Government of the United States to relieve from the exactions of monopoly or other oppressive conditions.

Mr. POINDEXTER. The Senator will see that the language of the bill is not very clear as to giving the Government authority to mine coal and sell it to the public. It is as follows, after reserving the number of acres the Senator has just stated—not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field:

*Provided, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas under the direction of the President becomes necessary by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy—*

There is nothing in the language up to that point which would even authorize the President to sell to the public. The following words are the only ones that by implication even give any such authority:

*For national protection and for relief from oppressive conditions.*

Just what that means might be a subject of very different conclusions.

Mr. WALSH. Let me remark, I trust we may postpone a further discussion of that section until we take it up.

Mr. POINDEXTER. If the Senator will pardon me, I should like to repeat that in connection with this section I should like to see a proposition submitted, and I think I will offer an amendment to that effect, that instead of preserving the limited area specified in the section there shall be reserved for Government operation one-half the coal area.

Mr. BORAH. I was reading section 2, and I wondered if there was anything further in the bill covering the subject.

Mr. FLETCHER. As long as the Senator from Montana has been interrupted, may I at this point make one or two inquiries? First, I ask the Senator whether as a result of his investigation he does not find that the leasing system is largely practiced in this country for mining coal; that is, for instance, in many of the States—perhaps as many as half—the coal is mined under a leasing system?

Mr. WALSH. I will say to the Senator that in the State of West Virginia the proportion is just the other way; there is twice as much mined under the leasing system as under the ownership system, and in the country at large between one-fourth and one-third of the coal is mined under a leasing system.

Mr. FLETCHER. I had that impression, which I gained as a member of the committee that investigated the Interior Department and the Forestry Service, known as the Ballinger-Pinchot investigation. I recall that people who were very much in favor of conservation advocated the leasing system as a method of handling these lands in Alaska. Am I correct in that?

Mr. WALSH. That is my understanding.

Mr. SHAFROTH. I should like to state to the Senator, if he was not here when that part of my speech was made, that the number of tons mined by owners in the United States is 334,669,298, as against 82,000,000 mined by lessees, and by owners and lessees, without a division, 42,000,000 tons. So nearly three-fourths—at least two-thirds—is mined by private owners.

Mr. WALSH. Mr. President, the greater portion of the argument of the Senator from Colorado outside of his discussion of the evils of the forestry system—which are quite disassociated, as it seems to me, from the merits of the question before us—was addressed to objections to the leasing system as applied to lands belonging to the United States within the States as distinguished from the lands in Alaska, a Territory of the United States, and for that reason only remotely applicable, if at all, to the condition which presents itself here. The Senator very stoutly contended that to lease the coal lands of the United States for an indefinite period of time, retaining the title in the Government of the United States and parting only with a leasehold interest, in some way or other trenching upon the right of the States, in some way or other put the State within which there was such land in an attitude of inferiority as compared with the other States of the Union, and that therefore it was contrary to the spirit of the compact between the various States. Although the Senator did not say it, the conclusion must be that in his judgment such an act would be void so far as the law was made applicable to the various States, his presentation of the question being only anticipatory of the consideration by this body of another bill which applies the leasing system to the coal lands within the States.

Mr. SHAFROTH. I will say to the Senator that, of course, I said in opening my speech that I wanted to discuss all the bills that were recently considered by the House, some of which are now pending in the Senate and some of which are coming soon to the Senate; but I want to say to the Senator I have never taken that position as to the constitutionality of the act. I have discussed the question as to whether it is immoral for the United States to do it.

Mr. WALSH. Mr. President, the Senator insists it is morally wrong because it is in violation of the compact between the various States; that because the principle of the leasing system was not applied to other States it is now putting the States within which there are public lands in a position of inferiority to adopt the leasing system with respect to public lands within their borders. The entire argument made by the Senator from Colorado with reference to that matter is quite old. The question of the right to lease the public lands was the subject of very serious discussion by the statesmen of this country during the first half of the last century, but for 75 years the whole matter has been entirely foreclosed by the decision of the Supreme Court of the United States. The matter came before that court upon the question of the right of the Government to lease its lands containing deposits of lead ore pursuant to the act of 1807, to which the Senator has referred in the course of his argument. It was not until 1840, however, that the question reached the Supreme Court of the United States, and the matter having been repeatedly discussed before the people upon the stump, in the legislature, and in the Senate of the United States by Thomas H. Benton, he represented before the court of last resort those then making the contention to which you have now listened from the Senator from Colorado. The argument of Senator Benton, as it appears in the report of the case in the Fifteenth Peters, very succinctly states the idea so elaborately presented in your hearing to-day by the Senator from Colorado. I read from page 532 of Fourteenth Peters' Reports from the case of United States against Gratiot:

Mr. Benton, for the defendants:

The position has been assumed by the Attorney General that the United States may enter into the broad business of leasing the public lands, and by consequence that the President may have as many tenants on the public lands of the United States as he shall desire; that he may lease in perpetuity, and have those tenants to the extent of time. Such a power is solemnly protested against. No authority in the cession of the public lands to the United States is given but to dispose of them and to make rules and regulations respecting the preparation of them for sale, for their preservation and their sale.

As to the power to lease, which is claimed for the United States, what would the States have said when the cession of these lands was made and accepted if it had been declared that the President could lease the lands, and that 60 years afterwards this court would be engaged in enforcing a lease given by the United States of part of the lands then to be ceded? Would the lands have been granted if Congress were to have the power to establish a tenantry to the United States upon them? The State-rights principles would have resisted this; no lands would have been ceded.

The clause in the Constitution of the United States relative to the public lands will govern this question, and the deeds of cession go with the provisions of the Constitution. The lands are "to be disposed of" by Congress, not "held by the United States."

No question can be raised on the construction of the provision of the Constitution relative to the public lands. The Constitution gives the power of disposal, and disposal is not letting or leasing.

That was the view you heard expressed by the Senator from Colorado here to-day. That was Mr. Benton's argument.

The power to make rules and regulations applies to the power to dispose of the lands. The rules are to carry the disposal into effect to protect them; to explore them; to survey them. Congress has always treated the public lands on these principles.

Now, he goes on:

Formerly the lead mines in the now State of Missouri were leased. This was while a Territorial government existed there; when Missouri became a State opposition was made to the system and to the practice under it. They were successfully resisted, and the whole system was driven out of the State of Missouri. In that State there is no longer a body of tenantry holding under leases from the United States.

What answer did the Supreme Court of the United States make to that argument? Let me read you briefly from the opinion.

Mr. SHAFROTH. Will the Senator read the statement of the case?

Mr. WALSH. I shall be glad to do so. The statement is as follows:

The United States instituted an action on a bond given by the defendants, conditioned that certain of the obligors who had taken from the agent of the United States, under the authority of the President of the United States, a license for smelting lead ore, bearing date September 1, 1834, should fully execute and comply with the terms and conditions of a license for purchasing and smelting lead ore at the United States' lead mines on the upper Mississippi River in the State of Illinois for the period of one year. The defendants demurred to the declaration, and the question was presented to the circuit court of Illinois, whether the President of the United States had power, under the act of Congress of 3d of March, 1807, to make a contract for purchasing and smelting lead ore at the lead mines of the United States on the upper Mississippi. This question was certified from the circuit to the Supreme Court of the United States. Held, that the President of the United States has power, under the act of Congress of 3d of March, 1807, to make the contract on which this suit was instituted. The power over the public lands is vested in Congress by the Constitution, without limitation, and has been considered the foundation on which the territorial governments rest.

The cases of *McCulloch v. The State of Maryland* (4 Wheat., 422) and *The American Insurance Co. v. Canter* (1 Peters, 542) cited.

The words "dispose of" the public lands, used in the Constitution of the United States, can not, under the decisions of the Supreme Court, receive any other construction than that Congress has the power, in its discretion, to authorize the leasing of the lead mines on the public lands in the territories of the United States. There can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within the borders of the States from the adoption of such measures.

Now I read from the body of the opinion. After citing the provisions of the Constitution which declare that Congress shall have power to dispose of and make all needful rules and regulations concerning the territory and other property of the United States, the court goes on to say:

If such are the powers of Congress over the lands belonging to the United States, the words "dispose of" can not receive the construction contended for at the bar; that they vest in Congress the power only to sell and not to lease such lands. The disposal must be left to the discretion of Congress. And there can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within their borders, as has been so strenuously urged in the argument.

Mr. President, the power of the Government of the United States over the public lands, notwithstanding the original grant from Virginia and the other States was made in trust, is just as absolute, just as unqualified, as is the ownership of any private owner in the land which he acquires. It has so been declared by the Supreme Court of the United States. I refer you to *Canfield against The United States*, and read from the opinion in that case. One hundred and sixty-seventh United States, page 524. Referring to lands in the State of Colorado, the court says:

While the lands in question are all within the State of Colorado, the Government has, with respect to its own lands, the rights of an ordinary proprietor, to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement.

Thus far the quotation. The Government may dispose of them just exactly as a private owner may dispose of his land.

Mr. WEST. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. Before the Senator proceeds further I should like to ask a hypothetical question.

Mr. WALSH. I will be glad to answer it if I can.

Mr. WEST. Would it not work a great hardship upon a State if the Government owned, say, three-fourths of the acreage of the State when the difference between the National

Government and an ordinary citizen is that the citizen pays a tax and the National Government pays no tax?

Mr. WALSH. That would be an extreme hardship. That is the complaint that we make, because of large areas of our lands being included within forest reservations. Our people have long labored to reduce them to the very lowest limit consistent with the best interests of the Government. But the Senator will remember that the great body of the public lands are agricultural in character. These coal lands, although extensive, in fact, by relation to the whole body are inconsequential in area. Nobody has ever proposed a system which signifies the leasing of three-fourths of a State. Nobody has ever suggested that the leasing system is the appropriate one to apply to agricultural lands.

Mr. SHAFROTH. Mr. President, bills have been introduced here permitting the leasing of grazing lands.

Mr. WALSH. Oh, yes.

Mr. SHAFROTH. The grazing lands in the Senator's State and in any State constitute probably one-half of the area of the State.

Mr. WALSH. And, Mr. President, at the same time, while I am as resolutely opposed to that kind of a measure as the Senator from Colorado may be, it should be borne in mind that every one of those bills provided that the lease should in no manner interfere with the appropriation of the land by any homesteader.

Mr. SMITH of Arizona. The Senator knows that practically it will do it all the same.

Mr. WALSH. I agree with the Senator.

Mr. SHAFROTH. Mr. President—

Mr. WALSH. Just one minute. I desire to have the Senator understand—I refer to the Senator from Georgia, for the Senator from Colorado does understand it—I desire the Senator from Georgia not to be misled into the idea that anybody ever proposed that even the grazing lands should be leased out for indefinite periods as a substitute for the system of disposition in fee.

Mr. SHAFROTH. But, Mr. President, the very leasing of large tracts of grazing land makes it practically impossible for a settler to go within the inclosure and locate any kind of a claim.

Mr. WALSH. I agree with the Senator; but that is aside from the question. The question which the Senator from Georgia asked me was whether it would not be a bad thing to have the Government of the United States own three-fourths of the land and pay no taxes.

Mr. SHAFROTH. I want to ask the Senator if it is not a fact that, notwithstanding Senator Benton lost his case in the Supreme Court upon his theory, his appeal to the Senate in less than four years thereafter upon the moral point of the right, won, did it not?

Mr. WALSH. There was no moral proposition involved in the repeal at all. The Supreme Court of the United States determined that it was entirely appropriate for Congress to pass a leasing law. The leasing law was found to be economically unwise. President Polk recommended in his message to Congress in the strongest possible terms the repeal of the law of 1807; and it was repealed. Indeed, it had been repealed as to the State of Missouri in the year 1829, a long time before; but that it was a matter of policy, not of moral right or wrong. So far as the fact of repeal affords any argument, it supports the contention of the Senator from Colorado in that we once tried the leasing system, and it was not found satisfactory; that is all there is to it.

Mr. President, let us now assume for the present discussion that it is entirely competent for Congress to pass a leasing law, if in its wisdom it deems it best to do so, applicable to the public lands within the various States, and that there is not any right of any State, moral or otherwise, that is violated by the action of Congress in doing so. No State can claim that it is wronged by the exercise of a legitimate power of Congress to legislate, for the States gave to Congress that power to legislate. The original thirteen States gave it freely, and the new States came into the Union in recognition of that right of Congress so to legislate. Colorado did not come into the Union until nearly 40 years after the Supreme Court had declared that it was within the power of Congress, if it saw fit to do so, to lease the public lands.

Mr. SHAFROTH. Mr. President, under the position of the Senator from Montana, namely, that no matter what may be the expediency of the matter, it would not be morally wrong, I would ask him if the United States Government, which has the power to do so under that decision, should withdraw from entry in his State all kinds of land—agricultural, mining, graz-

ing, coal, and others—does he think it would be morally right for the United States to do so?

Mr. WALSH. Mr. President, that is scarcely supposable. If the President of the United States should do anything of that kind, as a matter of course public sentiment would not uphold him in it. If he persisted in it he would be retired from office. The only redress to be had is to elect a President of the United States who would cancel the order or to impeach the President who so plainly violated the law.

Mr. President, as I have indicated before, there are none of us from the West who are particularly enamored of the system of leasing any portion of the public lands. The sentiment, however, that it is desirable to do so is undoubtedly growing in this country, and, in my humble judgment, will continue to grow. Let me say that that sentiment was born in this country by reason very largely of the efforts to monopolize these valuable coal lands in Alaska through fraudulent practices committed under the existing law.

But, Mr. President, the evils of the present system, so highly extolled by the Senator from Colorado [Mr. SHAFROTH] are not confined by any means to the Territory of Alaska. Indeed, Mr. President, it seems a rather remarkable thing that the existing method of disposing of the public coal lands should find its advocate and defender in a Senator from the State of Colorado, for the evils of which it is the parent are probably nowhere so glaringly evident as in that State. Prominently and offensively before the public, by reason of its enormous holdings of coal lands, is the Colorado Fuel & Iron Co., which has recently come into some notoriety on account of the labor troubles and domestic strife within the State in which it does business.

The Senator from Colorado told us yesterday that that great corporation, with a capital stock of \$46,000,000, and handling properties in value upward of a hundred million dollars, was the owner of 45,000 acres of coal land in his State. That is what has bred in the people of the United States the determination to abolish the system. Such great holdings of lands yielding this essential element of power, which is at the foundation of all modern industry, are justly regarded as a public menace. The Senator's figures, however, are not very accurate. Let me give you a little of the history of the Colorado Fuel & Iron Co. as it is detailed in Poor's Manual of Industrials:

The Colorado Fuel & Iron Co.: Incorporated in Colorado October 21, 1892. On October 21, 1912, the charter was renewed, and the corporate life of the company extended for 20 years. Consolidation, October, 1892, of the Colorado Fuel Co. and the Colorado Coal & Iron Co. The company also acquired the property of the Grand River Coal & Coke Co. The consolidated company also assumed the Colorado Coal & Iron Co.'s guaranty of the Colorado Coal & Iron Development Co. bonds for \$700,000. On August 20, 1896, the coal properties of the Atchison, Topeka & Santa Fe Railway Co., in Colorado, were leased. These properties consist of mines at Starkville (steam and coking coal), Brookside and Rockvale (domestic coal), and Vulcan (steam coal), 129 coke ovens at Starkville, 19,200 acres of coal lands, and coal yards at Denver and Pueblo. A contract was made to furnish coal to the Atchison, Topeka & Santa Fe Railway Co. for the operation of its lines. The fixed rental is comparatively small, with a royalty on the tonnage of coal actually mined.

The Colorado Fuel & Iron Co. owns and operates steel works at Pueblo, Colo., 3 iron mines in Colorado, Wyoming, and New Mexico, 28 coal mines, 2,969 coke ovens, undeveloped coal, iron, agricultural, timber, and fire-clay lands. Total annual capacity of finished steel products, 550,000 tons.

But, Mr. President, that is not all of the coal land they have; they have a mortgage outstanding which recites all of the lands owned by the company. The same work states as follows about the bonds secured by this mortgage:

These bonds are secured by mortgages to the Central Trust Co., New York, N. Y., as trustee, on all the property and assets of the company, subject to prior liens. The property securing the mortgage consists principally on the coal lands owned, 69,265 acres; coal lands leased, 3,670 acres—total, 72,935 acres. Iron lands owned, 2,452 acres; iron and steel plant, water supply, reservoirs, etc., lands owned, 1,045 acres; unclassified lands owned, 600 acres—total, 77,032 acres.

Thus it appears that 72,935 acres are owned or leased by the Colorado Fuel & Iron Co., and that the tenantry system, against which the distinguished Senator from Colorado so eloquently inveighs, already invaded his State, for the Colorado Fuel & Iron Co. is the lessee of something over 3,000 acres therein. But, Mr. President, that is not all—

Mr. SHAFROTH. Will the Senator permit me to make a suggestion?

Mr. WALSH. Yes.

Mr. SHAFROTH. I will suggest that the total amount of land which the Senator has quoted as being owned by the Colorado Fuel & Iron Co. is less than 1 per cent of what is now owned on the public domain.

Mr. WALSH. That seems to be quite irrelevant.

Mr. SHAFROTH. It shows that there can not be a monopoly.

Mr. WALSH. It discloses that under the present system the Colorado Fuel & Iron Co. has been able to get a very large slice

of the coal lands of the State of Colorado; and, let me remark, that the State of Colorado produces annually something like 10,000,000 tons of coal, of which the Colorado Fuel & Iron Co. and its related company, the Rocky Mountain Fuel Co., produce practically one-half—5,000,000 tons. I will now refer to the Rocky Mountain Fuel Co. It, too, has holdings of more than moderate extent. From the same volume I read the following:

Rocky Mountain Fuel Co.: Incorporated 1911 in Wyoming. The company acquired all the holdings of the Rocky Mountain Fuel Co. of Colorado, as well as all the holdings of the Northern Coal & Coke Co., including 18 operating mines and over 30,000 acres of coal lands.

So, Mr. President, it will appear that the Colorado Fuel & Iron Co. controls practically 100,000 acres of coal lands in the State of Colorado, acquired under the system which the Senator so very eloquently extols.

Mr. SHAFROTH. Mr. President, the fact of the matter is that the Rocky Mountain Fuel Co. was organized just recently, and that it bought out a lot of coal claims that were taken up 20 or 30 years ago. If you want to prevent that, you ought to do so by general legislation, such as we passed here the other day to prevent combinations.

Mr. WALSH. I do not care how recently it was organized, it is controlled by the Colorado Fuel & Iron Co.

Mr. SHAFROTH. It has been controlled only recently by that company.

Mr. WALSH. It has exactly the same directors as has the Colorado Fuel & Iron Co.

Mr. SHAFROTH. That may be so.

Mr. WALSH. It is a case of interlocking directorates, such as we are endeavoring to prevent by the Clayton bill.

Mr. SHAFROTH. That ought to be prevented; there is no doubt about that; but that does not relate to the initiation of the coal claims.

Mr. WALSH. But it does demonstrate that the same people control over 100,000 acres of coal land.

Mr. SHAFROTH. Yes; but the lands were not obtained unlawfully from the Government in every instance.

Mr. WALSH. I would not undertake to say that they were obtained unlawfully.

Mr. SHAFROTH. Of course everybody wants to prevent monopoly. What you ought to do is what you have done in the Territory of Alaska, namely, pass a stringent law against any company taking up more than a certain quantity of land, and under no circumstances to permit it, directly or indirectly, to control any other lands of the same kind.

Mr. WALSH. Now, Mr. President, I do not want to occupy the floor consuming time in the discussion of the general aspects of this matter, because the whole subject will receive the consideration of the Senate when the bill which has just now come over from the House is up for debate. I regard all of these matters as bearing but very remotely upon the question as to whether the pending bill ought to be passed in the condition which we find ourselves.

The Senator from Colorado, of course, may declaim against the iniquity of the order withdrawing the Alaska coal lands from appropriation, but the fact is that that order is in force, and the Senator must recognize that it is not going to be revoked; it is going to stand; and that situation of affairs prevents the people of Alaska from getting coal except from British Columbia and from Australia. Now, Mr. President, it has been shown by letters and telegrams received from the governor of Alaska, and read into the Record, that the people of that section of the country are very much concerned, that deep anxiety prevails, lest the exigencies of war should compel the English Government at any time to prevent the exportation of coal from the Province of British Columbia, and thus absolutely shut off the people of that region from any fuel supply whatever. It is that condition which gives rise to the emergency, in consequence of which we ask the speedy passage of this bill.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that that order of withdrawal of the coal lands in Alaska was unlawful?

Mr. WALSH. That matter is now before the Supreme Court of the United States, I understand.

Mr. SHAFROTH. Does not the Senator recognize that there is no law on the statute books permitting the withdrawal of such lands from entry permanently?

Mr. WALSH. All that seems to me entirely irrelevant, Mr. President. The order is there, and the Senator recognizes that no one can get title to any land while it is there. The Senator might go before the President and convince him that it is an illegal order, that there was no authority to issue it, and that therefore it ought to be revoked; but I apprehend he would not succeed, while the case is pending before the Supreme Court

of the United States, in persuading the Executive that he ought to take that course.

Mr. SHAFROTH. Does the Senator think that the Senate of the United States ought to yield because a bureau of the Government has taken a stand with relation to this matter wrongfully and in violation of the law, and that we should waive what is on the statute books right now?

Mr. WALSH. I have tried to make it clear that criticism of the bureau is beside the question. It is the President who has the right to restore these lands.

Mr. SHAFROTH. The President perhaps is waiting to see what the Legislature of this country desires with relation to the matter.

Mr. WALSH. We are trying to show him.

Mr. SHAFROTH. I am satisfied that the President wants to do what is right; but it seems to me that, instead of asking us to withdraw from this contest and enact a law legalizing wrongful withdrawals in order to prevent an emergency, they ought to appeal to the bureau; and if the bureau recommends it, the chances are that it will be recommended all the way down the line.

Mr. WALSH. Mr. President, there is another idea which I desire to convey to the Senate in connection with this matter. The Senator has expressed very grave apprehension about the predicament of a State in the matter of revenue for the purpose of carrying on its government if a leasing system shall be pursued rather than the system of alienation in fee. If the revenues derived from the royalties from coal lands were to go into the General Treasury, there to be used for general purposes, there would be much force to the argument made by the Senator on that line. Coal can be transported for very limited distances only. Freight rates are so high that most of the coal mined in the State of Montana must perforce be used in the State of Montana. Therefore, whatever tax is paid in the way of a royalty on the coal mined upon the public lands of the State of Montana will be added to the price charged the consumer for the coal within our State. Thus it operates as a tax upon him for the benefit of the General Treasury. Furthermore, as pointed out by the Senator from Colorado, the land the title to which remains in the United States will not be subject to taxation. But, Mr. President, all of those objections utterly fall under a law which provides that the royalties derived from the property shall be utilized, not for the benefit of the General Treasury, but for the benefit of the communities from which they come and by which they are contributed.

This bill provides that every dollar that is derived from royalties on leases of coal lands in the Territory of Alaska shall be applied to the establishment of a fund to pay for the construction of railroads therein. We have appropriated \$35,000,000 for the construction of railroads in Alaska, and the act provides that all royalties or rentals and all moneys derived from the sale of public lands in Alaska shall be applied to the liquidation of the debt.

So, likewise, Mr. President, in the general leasing bill, to which reference has been made, it is provided that all royalties derived from leases of any of the lands referred to in the act shall be turned into the irrigation fund. So that, should it become a law, all moneys derived from leases of lands in the Western States will go into the reclamation fund for the purpose of paying for great works of irrigation constructed within those States. The bill further provides that when the money is returned by the settlers under the reclamation project one half of it goes to the State from which it was originally derived and the other half goes back into the reclamation fund for the purpose of meeting the cost of other reclamation projects. So that every dollar of the money goes back to the community from which it was derived, and the Government of the United States does not even retain one cent to pay for the administration of the law.

Now, Mr. President, just a word more—

Mr. SHAFROTH. Mr. President—

Mr. WALSH. If the Senator will pardon me, I should like to follow this thought a little further, and then I will be glad to yield to him.

The Senator pointed out that under the operation of such a law his State, by which he meant operators in his State, would eventually be required to pay a fabulous sum to the General Government on account of royalties upon coal lands in that State. Thus, he said:

Take the royalty on coal alone; if it is to be 10 cents a ton and the system a success, the people of Colorado will ultimately have to pay as royalty upon the 334,000,000 tons of coal upon the public domain within its borders \$33,400,000,000, an amount equal to more than ten times the national debt at the close of the Civil War. Is that right, when none of the Middle or Eastern States have paid a cent in the way of royalty on their coal?

But, Mr. President, you will bear in mind that under this law whatever the State of Colorado pays will all go into the reclamation fund, and one-half of it will come right back to the State of Colorado.

Mr. SHAFROTH. Mr. President—

Mr. WALSH. Let me finish. Suppose, now, that this system is in operation—I am going to appeal to the Senator from Colorado to dismiss whatever a priori ideas he has about this matter and to think about the matter a little and to reflect and see whether this is not the greatest gift that a government ever gave to one of its constituent municipalities or a federated republic to a member State. Why, Mr. President, the Government of the United States is offering by the bill assailed to give us one-half of every dollar it receives as royalty on its coal lands in the States of Colorado and Montana, respectively.

Mr. President, that would, in the course of time, amount to an enormous revenue to nearly every western State. It outshines in splendor any grant ever made by the Government of the United States to any State, and has no counterpart, I venture to say, even—

\* \* \* Where the gorgeous East with richest hand  
Showers on her kings barbaric pearl and gold.

Mr. SHAFROTH. Mr. President, to my mind the statement of the Senator is queer, to say the least, when we are confronted with the fact that all the older States of the Union have been given every ton of coal within their borders.

Mr. WALSH. Mr. President—

Mr. SHAFROTH. West Virginia has been given hers; Illinois, Indiana, Missouri, and Kansas have been given theirs; and yet the Senator talks about a "princely gift" to us because the Government offers to turn into the reclamation fund the money which our people have got to return after 20 years, or within 10 years after the completion of the project, while in the meantime we are compelled to maintain a government at our expense over the broad domain of the Republic. Talk about "a gift" when it is absolutely depriving us of the means of maintaining good government! Then, the assumption is that after the Government has extracted from us that which it never has taken from any other State it comes and offers to turn over to us after 30 years one-half of what it has wrongfully extracted from us. The Senator may think that is liberality; I think it is liberality with a vengeance.

Mr. WALSH. Mr. President, the Senator can not possibly confuse his own mind by any such argument as that. The great Government of the United States did not give to the State of Kansas the coal lands within the State of Kansas; it allowed those lands to be appropriated by private appropriators, who practically paid nothing for them.

Mr. SHAFROTH. Yes; and those very people began to pay taxes, and those taxes helped to maintain the Government. When you withdraw the lands from entry forever, as is now sought to be done, the result will be that the State will have to maintain a government over all of these lands without getting the means of supporting that government.

Now, I want to call attention to the other point about which the Senator appealed to me. I refer to his statement as to the money derived from leases of coal lands in Alaska going back to pay for the railroads in Alaska. Mr. President, the Senator knows full well that the Territory of Alaska is an enormous territory, stretching a thousand miles from one end to the other. What benefit can a man in a distant part of the Territory secure from a railroad that ends at Cordova Bay? Why, Mr. President, he will not get his coal any cheaper; he will not get any benefit from it whatever; and yet this money has got to be paid for railroads, although there may be no resulting benefit to the people in general. If, however, the money goes into the treasury of the State, then it becomes a direct benefit to every citizen of the State, whether he lives in one portion of the State or another.

The Senator is a great lawyer, and knows the principle of equity which has prevailed ever since Blackstone's time—that you must be just before you are generous. This Congress ought not to appropriate money for a railroad in Alaska and then turn around and say to the people of that Territory: "I will make you pay for this in a certain way." If you want to do that, the proposition ought to be in such form that the people up there can accept or reject it; but when you say, "We will make you a present of a railroad up there," and in a subsequent bill, passed a year afterwards, say, "We will make certain portions of the Territory pay for that railroad"—

Mr. WALSH. Just a moment.

Mr. SHAFROTH. It violates the principle of equity to which I have referred.

Mr. WALSH. Mr. President, that is in the railroad bill.

Mr. SHAFROTH. Oh, no; it is not in the railroad bill.

Mr. WALSH. I beg the Senator's pardon.

Mr. SHAFROTH. Well, it may be. It may be that they say that; but even under those circumstances you do not give the people of Alaska any opportunity or any option to vote on any of this bill.

Mr. WALSH. What does the Senator mean—that that is not a valid provision?

Mr. SHAFROTH. I do not know the exact provisions. There may be something to that effect. I do not think it went in, but it may be that it did.

Mr. SMOOT. In the railroad bill?

Mr. SHAFROTH. In the railroad bill.

Mr. WALSH. I read section 3:

That all moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

Mr. SHAFROTH. That does not say it is on the railroad. It is a tax the people generally are paying into the Federal Treasury.

Mr. President, I am willing to have these lands sold for what they are worth. I do not want them to be given away. I believe that the States are the ones that are entitled to the equity in the lands above the minimum price, because it is their settlement that produces value in the lands; but when you sell the lands, then a different status takes place as to them, and that status is the right of taxation to maintain State government or, in a Territory, Territorial government.

I want to say to the Senator that only one-fiftieth of 1 per cent of the lands in Alaska are in private ownership. How can you maintain a government there by taxing one-fiftieth of 1 per cent to support Territorial administration, county administration, and school administration over the entire area of Alaska?

Mr. WALSH. Mr. President, will the Senator let me answer him?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. Let me say that I insist that the Territory of Alaska will derive more revenue from the leasing of the lands than she ever could expect to get by taxation upon the lands if they were sold.

Mr. SHAFROTH. Mr. President, that is the Senator's opinion; but I do not see how he can have that opinion when he has just said that it goes to pay for this railroad. How is that going to bring money into the treasury for the purpose of paying for schools and for county government? I do not see that the Senator is logical with relation to that matter.

Why, Mr. President, if we take poor Alaska and absolutely foist upon her a leasing policy, not only as to this but as to the other bills which apply to Alaska also, I want to know where she is going to get the revenue to maintain the government which the Constitution of the United States requires her to maintain—namely, a government republican in form—thereby requiring her to educate children for the purpose of making good citizens not only of Alaska but of the United States? These dual duties rest upon States and rest upon the Nation and rest upon the Territories, and you can not and should not attempt to deprive a State or a Territory of the means of maintaining good government.

Mr. WALSH. Mr. President, I did not yield for the purpose of having the Senator make his speech over again in my time. I was going to remark that in my estimation, even in our States—and I am confident about that—under the general leasing bill, if it should become a law, the States will get infinitely more revenue out of the royalties paid on these lands than they ever would get in the way of taxes upon the lands should they sell them and should they pass into private ownership.

Mr. SHAFROTH. Mr. President, I will ask the Senator whether—

Mr. WALSH. If the Senator will pardon me a moment, I should like to tell him why I think so.

Mr. SHAFROTH. All right.

Mr. WALSH. I think so because that is the policy that all of those States have pursued with reference to their own coal lands. In the State of the Senator from Colorado, in my State, in the State of Wyoming, in the State of North Dakota, and in the State of Nevada they refuse absolutely to sell any lands owned by the State containing coal deposits. In every one of these States they refuse to sell the coal lands at all. They do not sell them in Colorado. The State of Colorado, which owns large quantities of such lands, has no law by which any of its

officers are authorized to sell an acre of them. They have heard, with reference to their own lands, all of the arguments which the Senator is now advancing with reference to the public lands. In my State we have adopted the policy of leasing as to the State lands. We refuse to sell those lands. We believe we will get more for the State by holding the title to them and leasing them than we could possibly hope to get if we should sell them and they should pass into private ownership and thus become subject to taxation.

Mr. JONES. Mr. President, may I ask the Senator if it is not the policy of the States to lease their lands for the highest price they can get?

Mr. WALSH. Yes; certainly.

Mr. JONES. It seems to me the argument the Senator is making along that line is a very strong argument against a provision in this bill changing the House provision, fixing the rate at a definite sum, so that the United States will not get all that it might possibly get out of the leasing of these lands, and therefore the fund to which this money goes will be smaller than possibly it otherwise would be.

Mr. WALSH. The Senator is quite right. There is another element entering into the matter, however. The Government of the United States should dispose of its lands upon a slightly different principle than that which governs a State in the disposition of its lands. In other words, the Government of the United States ought to utilize them, as a first consideration, not for the revenue it derives from them, but for the general development of the country. The State wants to get every dollar it can out of the lands granted to it by the General Government.

The point I am making, however, is this: The Senator tells you that under a leasing system the lands will not be subject to taxation, and the Government will derive no revenue from them, that it will be impoverished, though the lands are producing wealth abundantly. I say to you that under a leasing system by which the royalties do not pass into the General Treasury for the benefit of the whole country at large, but are used for local purposes and turned back to the local communities from which they come, those communities will derive much more revenue from the royalties than they would from taxes upon the land if they passed into private ownership. I say so because the States themselves have recognized it in their desire to get the very last dollar they can out of their lands which contain deposits of coal. They refuse to sell them. If they sold them, those lands would be subject to taxation; but they rather choose to hold them, and get the royalty.

Mr. SHAFROTH. Mr. President, I am astonished that the Senator should say that more money would be derived from a leasing system than would be derived by allowing the lands to be taxed.

Mr. WALSH. Is not that why the Senator's State passed that law?

Mr. SHAFROTH. Why, no, sir. I believe you can sell coal lands in the State of Colorado; but I want to hew to the very proposition the Senator has advanced, because he has cited his own State, and I have here a report on his own State:

Montana has a leasing law for State lands. Acreage, no limit; term, five years, with provision for renewal; royalty, 10 cents per ton. Eight leases have been taken. The total production from these eight leased mines for 1912 was 25,000 tons. All little mines of no commercial importance. Montana produces annually 3,000,000 tons of coal.

Think of 25,000 tons as against 3,000,000 tons, and think of 10 cents royalty, making \$2,500, as being more than all of the leased lands would bring if they were taxed! Why, Mr. President, the experience of the United States was not that way in the lead-mining leases. The facts showed that the royalties collected were simply one-fourth of what it cost the Government to maintain the system. It was a dead loss to the extent of three-fourths. You will find that the people will not take out leases. They will not take out leases in the Senator's State; they do not take out leases in my State. They will not put in expensive machinery where their title may be forfeited.

Colorado has enough coal to last its own people 300 years. Only 3 per cent of that has been leased and only one-half of that is being worked. Mr. President, compare the revenue derived in this way with the amount of taxation that would be imposed upon it. It is almost insignificant.

I want to read further from this report:

North Dakota, Oregon, Utah, Idaho, New Mexico, and Wyoming have laws for leasing coal on State lands, but no lands are leased for coal mines under the laws enacted by these States.

Mr. President, it seems to me that that of itself is sufficient to condemn a leasing policy. It shows that people will not take out leases, because it takes an enormous amount of money to prospect and develop and get to market the coal that would result therefrom, and they are not going to those enormous expenses. How would you issue a bond upon a lease?

Who ever heard of bonds being issued for the development of coal mines upon a lease that might be forfeited in 24 hours? Men are not so foolish as to put large sums of money into propositions of that kind; and that means stagnation and depression to the Senator's State and to mine.

Mr. CLAPP. Mr. President, will the Senator from Montana pardon a suggestion?

Mr. WALSH. I shall be very glad to do so.

Mr. CLAPP. Of course in those States where there is opportunity for private ownership men will not take leases, which is one of the most convincing arguments that the public would be bettered by the leasing system. In those States where there is a large amount of mineral land subject to lease, and not so large an amount subject to private ownership, they do take leases. The State of Minnesota last year derived over \$600,000 royalty on its iron mines. The very fact, however, that the individual prefers private ownership is a strong argument why the public would be better served by public ownership. At least, it so appeals to me.

Mr. SHAFROTH. Why, Mr. President, the very illustration the Senator makes, that the State of Minnesota derived money from leasing certain of its lands, shows that it is a different proposition from a Federal leasing system. When money comes into the treasury of a State it supplies the place of taxes. It is a fund that the State can use for expenditure for the very people that are there, in maintaining schools, in maintaining county government, in maintaining everything. It may be that the very revenue that is derived from this State land goes to pay the State expenses. If it does, it is a different proposition than that the Federal Government should take it from the States, put it into a reclamation fund that must not and can not be paid back until 20 years have elapsed, and then 10 years more before the completion of the project, and then turn back to us one-half of what was wrongfully extracted from us.

Mr. WALSH. Why does the Senator say "wrongfully"?

Mr. SHAFROTH. Because you have never done it with any other State. That is the reason. Because the very relation of the National Government to the State is such that we know that it can not hold lands in perpetuity, or should not hold them in perpetuity, thereby depriving a State of means of taxation. To have poor Alaska, up here, with one-fiftieth of 1 per cent of all of its lands in private ownership that is to be taxed to pay to maintain government over all of it, when it is under the jurisdiction and control and power of the United States Government, is simply depriving it of the means of supporting government.

Mr. CLAPP. Mr. President, will the Senator pardon me further?

Mr. WALSH. I yield to the Senator.

Mr. CLAPP. The Senator from Colorado was citing figures, not on the question whether the Federal Government should lease or whether the State should lease, but as a criticism of the leasing system in States where the State would get the benefit of whatever came from the lease. I cited this instance in support of the advantage of the leasing system, which is one of the questions involved in this discussion. Now, whether that leasing should be done by the Federal Government or by the State government is an absolutely separate question; but the Senator was directing his criticisms, prior to my interruption, to the system of leasing as a system.

Mr. SHAFROTH. Mr. President, I do not know that I can state what the value of those iron mines was. It may be that they will yield more, when they are subject to taxation and assessment, than the royalties which are imposed.

Mr. CLAPP. Why, the leasing of mines does not exempt property from taxation. I have been surprised, sitting here and listening to the argument of the Senator from Colorado, as though the charging of a fixed amount for the sale of a ton of iron ore released from taxation the property from which it was taken, or the property itself which was taken. It still remains subject to taxation just precisely as it was before. The royalty is not the tax. The royalty is the value per ton of the ore that is taken as the property of the State that grants the lease.

Mr. SHAFROTH. Mr. President, there is in the enabling act of Congress admitting every State into the Union a provision that the State can not tax Federal lands, and consequently the broad area of two-thirds of our State now is not yielding State or county or school taxes.

Mr. SMITH of Arizona. And, if the Senator will permit me, not only that, but it applies to railroad grants which have not patents from the Government.

Mr. WALSH. I trust the Senator from Colorado will recognize that I have the floor.

Mr. SHAFROTH. Very well.

Mr. WALSH. I was addressing myself—and I am practically through—to the contention that the States will secure more revenue if they get the revenue from the royalties than they ever could hope to get from taxation of property which passes into private ownership; and I was arguing that that must necessarily follow, because there is not a State in the West that prefers to sell its own coal lands so that they may pass into private ownership and be subject to taxation rather than to take the royalty which it will get upon such lands.

It is true that in my State there have not been very many leases of coal lands yet issued by the State, but that is not important. Our State has solemnly considered the question as to whether it is for its best interest to sell the lands, so that they will be subject to taxation, or whether it is to its best interest to keep the lands and get a royalty upon them. The legislature has determined—and they are pretty good business men out in my State—that it is wiser to hold on to the lands and take the royalty.

In the State of Colorado they have been confronted with exactly the same question. They have canvassed the proposition as to whether they had better sell their State lands and let them pass into private ownership, subject to taxation, or whether they had better keep them as they are, not subject to taxation, and take a royalty upon them. They have some pretty good men of business in the State of Colorado, and in that State they have reached the conclusion that it is a better proposition for them not to sell their coal mines, but to keep them. The distinguished Senator from Colorado was the governor of that State, and filled the office with very high distinction and credit; but he was not able to convince the people of the State of Colorado that they would get more out of the land if they would let it pass into private ownership and tax it. Indeed, the conviction is so profound in the State of Colorado that it would be unwise to sell its lands rather than to keep them and lease them that the Senator, when he was governor of the State, did not even propose that the leasing law be repealed and the State coal lands be disposed of in fee.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. SMOOT. In the enabling act of Montana, did the Government reserve all mineral lands, or not?

Mr. WALSH. No. Well, it reserved them just because it simply made certain grants to the State, and the grants did not include any mineral lands.

Mr. SMOOT. That is as I understood. If I remember rightly, the reservation in the Montana enabling act is the same as it is in the State of Utah, the State of Colorado, and the other Western States, that a reservation was made by the Government of all mineral lands.

Mr. WALSH. Yes.

Mr. SMOOT. What I was going to ask the Senator was this: How did the State of Montana become possessed of her coal lands?

Mr. WALSH. That is easy, Mr. President.

Mr. SMOOT. I know what the Senator will say, but I want to follow it up with another question.

Mr. WALSH. That comes about in this way: If at the time of the passage of the act of admission, in 1889, the lands were not known to be mineral lands, if they had been returned by the public surveyor as agricultural in character, they passed to the State. In many instances lands which were then believed to be agricultural lands, which had been returned by the public surveyor as agricultural lands, have been found to contain coal, and those are the lands now owned by the State.

Mr. SMOOT. I was quite sure that that was exactly what the Senator would say, and that is exactly what I have always held should be the case. I wish to call the Senator's attention to the fact that there are in my State, at least, lands of the character of which the Senator has spoken that have passed to the State, and within the last few years action has been taken by the Government to set aside the title of the State to those lands, notwithstanding the fact that when the title passed to the State they were not known as mineral lands. Now, I do not know what the decision will be, but it seems to me that if that decision is against the State of Utah the Government of the United States will take the coal lands of Montana and the coal lands of Colorado away from them under just such proceedings.

As I say, I do not know what the final decision will be, but there is an effort now on the part of the department to take those coal lands away from the State of Utah.

Mr. WALSH. I am not familiar with the details of the case, but I can very readily understand how a controversy might arise, because there is no provision in the granting act for the giving of patent to the State at all. It simply gets sections 18

and 36, and the act authorizes selections to make up the other grants; so the question as to whether the lands were in fact known to be mineral or known to be nonmineral at the time the State was admitted into the Union is an open question of fact that is often very doubtful, and difficult of solution.

Mr. SMOOT. I will say to the Senator that the Government is undertaking to deprive the State of Utah of the title to coal lands which nobody living, as I understand, knew were coal lands at the time of the admission of the State of Utah into the Union.

Mr. WALSH. I think the Senator can very confidently rely upon the expectation that the Supreme Court of the United States will confirm the title of the State to lands of that character.

Mr. SMOOT. I will say to the Senator that so far the decisions have been against the State.

Mr. WALSH. Now, Mr. President, to conclude, I was going to say that I find no objection whatever to the leasing system so long as the royalties derived from it are turned back for use in the very communities from which those royalties are derived; and I am entirely satisfied in my own mind that those communities will derive infinitely more from the royalties upon those lands than they ever could hope to secure from taxation of those lands if they passed into private ownership.

However others may be impelled to act, I have not the hardihood to insist on this floor that the Federal Government ought to give title in fee to its lands valuable for coal, oil, and gas when my State declines to part with the fee to its lands of precisely the same character.

The bill before us does not expressly provide that the royalties from these lands shall go to the purpose I have indicated. However, the bill as it came from the House contained a provision of that character, and my understanding is that the committee did not include it in the amendment proposed because it was understood that ample provision had been made by the Alaska coal-land bill, and that was my own understanding of it. I doubt, however, whether the provision is altogether adequate, and it is my purpose to offer an amendment which will put it beyond question that the revenues derived from the leases shall be applied to the satisfaction of the bonds issued for the construction of the railroad.

Mr. JONES. Mr. President, will the Senator yield to me for a question?

Mr. WALSH. I will.

Mr. JONES. I have not examined this bill very carefully in this particular, but perhaps the Senator can inform me. Does the bill provide that any of the expenses of administration shall come out of this royalty?

Mr. WALSH. Not a thing.

Mr. JONES. My recollection is that the railroad bill, however, provides that the amount of money that goes into this fund shall be the amount left after the expenses are deducted. Assuming that to be correct, the point I want to get at is this: On yesterday the Senator from Utah [Mr. Smoot] contended that the amount of royalty provided in this bill was considered by the committee as just about enough to pay the expenses; that there would not be a cent or a dollar over and above that. If that is correct, then there would be really nothing to go into this fund.

Mr. WALSH. I will say to the Senator from Washington that the Alaska bill does not provide for any deduction at all.

Mr. SMOOT. Yes; and I want to say to the Senator that I made that statement upon the fact that the amendment offered by the Senate committee in the way of a substitute does not provide that this money shall be paid for the construction of the railroad in Alaska. Nothing whatever is said about it. I will say, however, that I believe in the bill as it passed the House there was a provision of that kind.

Mr. WALSH. In my judgment, that should be incorporated in the bill; and I propose to offer it as an amendment.

#### \* PROPOSED ANTITRUST LEGISLATION (S. DOC. NO. 583).

Mr. CULBERSON. Mr. President, I present a conference report on House bill 15057, and give notice that at the earliest practicable moment I shall call it up for disposition. I merely present it at this time.

Mr. NELSON. When does the Senator intend to call it up for consideration?

Mr. CULBERSON. At the earliest practicable moment; not this afternoon, of course.

Mr. NELSON. Not to-day?

Mr. CULBERSON. Not to-day; certainly not.

Mr. NELSON. Not before it is printed? There were some amendments.

Mr. CULBERSON. No; I simply present the report at this time.

Mr. NELSON. I ask that it may be printed.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The conference report will be printed and lie on the table.

Mr. JONES. I want to suggest to the Senator that it ought to be printed in comparative form.

Mr. CULBERSON. As soon as it is acted upon—that is, as soon as it is received—I will ask that there be a comparative print showing the bill as passed by the House, the bill as passed by the Senate, and the bill as agreed to in conference. (S. Doc. No. 584.)

The VICE PRESIDENT. It has already been received.

Mr. CULBERSON. I ask that the report may be printed in the RECORD.

The VICE PRESIDENT. The motion of the Senator from Texas is that the House text of the bill, the Senate text of the bill, and the conference report may be printed in parallel columns?

Mr. CULBERSON. In parallel columns.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. CULBERSON. So that there may be no misunderstanding, the report will appear in the RECORD without reading.

The VICE PRESIDENT. Certainly; it will appear in the RECORD without reading.

Mr. CULBERSON. That is the purpose, of course.

The VICE PRESIDENT. The Chair states to the Senator from Texas that the Chair deems it unnecessary to have it read, because it is not to be taken up and it is to be printed in parallel columns.

Mr. CULBERSON. I want to have it printed in the RECORD so as to appear to-morrow morning.

The VICE PRESIDENT. It will be printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 35, 38, 42, 45, 46, 47, 53, 56, 59, 63, 80, 93, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 44, 48, 65, 66, 67, 68, 69, 70, 75, 79, 81, 82, 83, 85, 87, and 88, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Sec. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 3. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, whether patented or unpatented, for use, consumption or resale within the United States or any Territory thereof or the District of Columbia or any in-

sular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the figure "3" inserted by said amendment insert the figure "4"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 5. That a final judgment or decree hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, This section shall not apply to consent judgments or decrees entered before any testimony has been taken: *Provided further*, This section shall not apply to consent judgment or decrees rendered in criminal proceedings or suits in equity, now pending, in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

"Whenever any suit or proceeding in equity or criminal prosecution is instituted by the United States to prevent, restrain or punish violations of any of the antitrust laws, the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the figure "5" inserted by said amendment insert the figure "6"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the figure "6" inserted by said amendment insert the figure "7"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment strike out therein the words "eliminate or"; after the word "acquisition" and the comma thereafter, in line 12, page 9, insert "or to restrain such commerce in any section or community," and after the word "or," in line 12, page 9, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment strike out therein the words "eliminate or"; after the word "acquired" and the comma thereafter, in line 22, page 9, insert "or to restrain such commerce in any section or community"; and after the word "or," in line 22, page 9, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment strike out therein the words "eliminate or"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "thereof," at the end of said amendment, in line 17, page 11, add the words "or the civil remedies therein provided"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41,

and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment strike out only the matter contained in lines 22 to 25, inclusive, page 11, and lines 1 to 22, inclusive, page 12; at the beginning of line 23, page 12, insert "Sec. 8"; after the word "association," in line 1, page 13, strike out the comma, and after the word "company," in the same line, insert a comma; after the words "United States," in line 2, page 13, insert a comma; strike out the figures "\$2,500,000," in line 4 and in line 8, page 13, and insert in lieu thereof in each instance the figures "\$5,000,000"; in line 21, page 13, after the word "association," strike out the comma, and in the same line, after the word "company," insert a comma; in line 22, page 13, after the words "United States," insert a comma; strike out the word "one," in line 23, page 13, and insert in lieu thereof the word "two"; and after the word "association," in line 3, page 14, strike out the comma; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 21, page 14, after the word "than," insert the following: "banks, banking associations, trust companies and"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4, page 16, change "Sec. 8" to "Sec. 9"; and in line 10, page 16, after the word "from," insert the following: ", or used in,"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this act by the persons respectively subject thereto is hereby vested: in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

"Whenever the commission or board vested with jurisdiction thereof shall have reason to believe that any person is violating or has violated any of the provisions of sections 2, 3, 7, and 8 of this act, it shall issue and serve upon such person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such person to cease and desist from the violation of the law so charged in said complaint. Any person may make application, and upon good cause shown may be allowed by the commission or board, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission or board, as the case may be, shall be of the opinion that any of the provisions of said sections have been or are being violated, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violations, and divest itself of the stock held or rid itself of the directors chosen contrary to the provisions of sections 7 and 8 of this act, if any there be, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission or board may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section."

"If such person fails or neglects to obey such order of the commission or board while the same is in effect, the commission or board may apply to the circuit court of appeals of the United States, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission or board. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the

pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission or board. The findings of the commission or board as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission or board, the court may order such additional evidence to be taken before the commission or board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission or board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission or board to cease and desist from a violation charged may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission or board be set aside. A copy of such petition shall be forthwith served upon the commission or board, and thereupon the commission or board forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission or board as in the case of an application by the commission or board for the enforcement of its order, and the findings of the commission or board as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission or board shall be exclusive."

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or board or the judgment of the court to enforce the same shall in anywise relieve or absolve any person from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission or board under this section may be served by anyone duly authorized by the commission or board, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person; or (c) by registering and mailing a copy thereof addressed to such person at his principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same."

And transpose the same to precede line 20, on page 21.

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 10. That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than \$50,000, in the aggregate, in any one year, with another corporation, firm, partnership or association when the said common carrier shall have upon its board of directors or as its president, manager or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the name and address of the bidder or the names and addresses of the officers, directors and gen-

eral managers thereof, if the bidder be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

"Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

"Every such common carrier having any such transactions or making any such purchases shall within 30 days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall, after investigation or hearing, have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

"If any common carrier shall violate this section it shall be fined not exceeding \$25,000; and every such director, agent, manager or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$5,000, or confined in jail not exceeding one year, or both, in the discretion of the court."

And transpose the same to follow after line 23, on page 16.

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the figure "11" inserted by said amendment insert the figure "12"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the figure "12" inserted by said amendment insert the figure "13"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the figure "13" inserted by said amendment insert the figure "14"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment, with the insertion of the word "penal" after the words "any of the" and before the word "provisions," in line 20, page 22; and omit the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the figure "14" inserted by said amendment insert the figure "15"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the figure "15" inserted by said amendment insert the figure "16"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of "six, and seven," in line 9, page 24, insert the following: "three, seven and eight"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the figure "16" inserted by said amendment insert the figure "17"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the figure "17" inserted by said amendment insert the figure "18"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment, inserting the word "sixteen" in lieu of the word "fourteen," in line 19, page 26; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the figure "18" inserted by said amendment insert the figure "19"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the comma after the word "employees," in line 7, page 27; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the figure "19" inserted by said amendment insert the figure "20"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Reinsert the words stricken out by said amendment, and in lieu of the matter inserted by said amendment insert the following: "whether singly or in concert," and strike out the comma after the word "advising," in line 8, page 28; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Add a comma after the word "information," in line 10, page 28; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the figure "20" inserted by said amendment insert the figure "21"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the figure "21" inserted by said amendment insert the figure "22"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the figure "22" inserted by said amendment insert the figure "23"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the figure "23" inserted by said amendment insert the figure "24"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the word "twenty" inserted by said amendment insert the word "twenty-one"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the figure "24" inserted by said amendment insert the figure "25"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 19, page 33, change "Sec. 27" to "Sec. 26"; and the Senate agree to the same.

C. A. CULBERSON,  
LEE S. OVERMAN,  
W. E. CHILTON,

*Managers on the part of the Senate.*

E. Y. WEBB,  
C. C. CARLIN,  
J. C. FLOYD,

*Managers on the part of the House.*

#### ALASKA COAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. JONES. I desire to present two amendments to the pending bill. I ask to have them printed and lie on the table.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. MYERS. Mr. President, I wish to say a few words upon the pending measure. I listened with a great deal of interest to the argument of the Senator from Colorado [Mr. SHAFROTH] in opposition to the bill. What he says is most interesting and highly plausible, but I will say out of place as an argument against the bill. It is a very plausible argument, and there is very much in it worthy of consideration in connection with the bill that has just reached this body from the House, which is a general leasing bill, and other bills that may come up here, but I can not see that his argument has any application whatever to this bill. If the Senator from Colorado wishes to oppose a general leasing bill, I think it ought to be done when such a bill is before the body, and I do not think any argument in opposition to such bill is an argument in opposition to the pending bill, which is peculiar to itself and applies only to the Territory of Alaska.

The remarks of the Senator from Colorado show that he claims a general leasing system would be unwise and unjust to the rights of the several States as States. But there are no rights of statehood in Alaska. It is a mere territorial possession of the United States for which Congress may legislate as it may see fit for the best interests of the inhabitants of that territorial possession and the inhabitants of all the people of the United States.

The clash of interest to which the Senator refers and about which he says much can not exist under the present measure in the Territory of Alaska. There can be no clash of dual interests in Alaska. There is no dual form of government there. It is all unitary. There is no county form of government there. There is no organization of counties in Alaska that I know. The United States pays for all the expenses of the administration of justice in Alaska, and in appropriating revenues derived from the resources of Alaska the people of Alaska are being deprived of nothing, because it is in the power of Congress to reappropriate those funds and much more for the people of the Territory of Alaska.

I do not think that the argument of the Senator, able and plausible and interesting as it is, has any application to the pending measure or to existing conditions in the Territory of Alaska. When we come to the general leasing bill his argument may be worthy of great consideration; there may be merit in some of it; I know there is plausibility in it; but it is recognized, I believe, by the Senator from Colorado and everyone on this floor who has given any attention to the subject that there is a great and urgent necessity for developing the coal deposits of the Territory of Alaska. The conditions there are peculiar. Congress has appropriated the sum of \$35,000,000 for building a railroad for the development of the Territory of Alaska and its resources. A large majority of Senators voted for that measure, and yet I feel safe in saying that a very small proportion of the Senators here would vote for the Government ownership or construction of railroads within the States. The Senator from Colorado himself says he voted for the Alaskan railway bill, and he would not vote for the Government ownership or construction of railroads in the States. He has taken that position because the conditions are different. The conditions are different in Alaska from what they are in the States. There are no State rights there to be interfered with by any legislation of Congress, and the only question to be considered in regard to legislation for the Territory of Alaska is whether it is advisable and just and beneficial and wise for the development of the resources of that Territory, for the benefit of the people of that Territory and the people of the entire country.

Congress has embarked upon a policy here of developing the resources of the Territory of Alaska. We all recognize that Alaska is a great storehouse of untold wealth, that it is a magnificent asset of this country, and yet at present it is doing us very little good. Its resources are being developed very slowly and imperfectly. We have embarked upon a policy of national legislation which will develop those resources. We have begun by appropriating \$35,000,000 for the building of a railroad there. I am told by people who are familiar with Alaskan conditions that the building of that railroad is going to give the growth and development of Alaska a wonderful impetus if followed by other reasonable legislation for the development of the resources of Alaska.

A few days ago I had a most interesting talk with a gentleman, Mr. Peabody, who has been a resident and a business man of the Territory of Alaska for 17 years, and who is thoroughly acquainted with conditions there. He informs me that he expects to see within two or three years after the completion of this Government railroad in Alaska 200,000 or 300,000 people in that Territory. Now, how are those people going to

get coal? How are they going to get fuel? What is the use of their going there and developing the resources of that Territory and engaging in business and contributing to our general prosperity unless they can get coal? Even the 30,000 people resident there can not get coal in Alaska for their own use, and it has to be imported from foreign countries.

Mr. SMITH of Arizona. Why can they not get it there?

Mr. MYERS. Because the present laws are not applicable to the mining of coal in Alaska. There is no feasible provision under which they can operate. Let me ask, how much coal is mined in Alaska?

Mr. SMITH of Arizona. There is no law in the way.

Mr. MYERS. They need a law which will remedy existing conditions.

Mr. SMITH of Arizona. Are 200,000 people going up there hunting for leases?

Mr. MYERS. I do not suppose all the people who will go there will go there to mine coal, but they will engage in other business. There is practically no coal being mined to-day in Alaska, I understand.

Mr. SHAFROTH. The reason is because there was a withdrawal made unlawfully, without any regard to the law, and for eight years the land has been withheld under that unlawful order. Must we bow to it, and can we not protect ourselves against that unlawful order?

Mr. MYERS. My colleague has very forcibly shown that it is a condition and not a theory which confronts us, and you can not get around it.

Mr. SHAFROTH. You are responsible for opening this land under the general laws, and it is your duty to do it. It is only the upholding of an unlawful order that prevents it.

Mr. MYERS. As my colleague has said, it is a condition which confronts us for which there appears to be no remedy except to enact legislation along lines which will develop the resources of that Territory. The order has been in force for years, and there has been no successful effort made yet to obtain a withdrawal of the order. Those are the conditions which have been in existence, and as long as they are in existence they will continue to tie up the resources of that Territory.

Mr. SHAFROTH. The order was made for the purpose of temporarily withdrawing these lands, and now eight years have passed and they have not been able to convince the Congress of the United States that there should be a leasing system. If we are to absolutely bow to the will of the bureau, then we might as well adjourn as an independent branch of the Government.

Mr. MYERS. This question has already been determined by the House of Representatives, the other branch of Congress.

Mr. SHAFROTH. But they have done it very largely on just the same theory as that on which the Senator has acted, because somebody has made an illegal order and will not revoke it.

Mr. MYERS. I believe the most practical way to overcome adverse conditions is along lines where it can be effective and not in sitting down and trying to do something that it may take years and years to accomplish and which may not be accomplished at all. In this way we can open up the coal resources of Alaska and contribute to the prosperity and development of that section of the country and to the advantage of the entire people of the United States.

This measure has been framed by representatives of both branches of Congress and by the Interior Department. It has the sanction of the administration through the Interior Department, and it appears to be the most feasible way which can be devised and the most practicable way of opening up the coal deposits of the Territory of Alaska. If we would adopt some other method, as selling the lands there to private owners, then the measure would be attacked by people who are violently opposed to the sale of public lands and mineral deposits, to pass into private ownership, where they may go into a monopoly at the expense of the people. If a measure were introduced here for private ownership, it would be just as violently attacked from the other side as this bill has been attacked by the Senator from Colorado.

I have had a little experience in that line. I introduced a joint resolution here some months ago for the leasing of a small body of coal land in the State of Montana. Those who were opposed to leasing wanted it changed to a sale, and it was so amended as to provide for the sale of the land. Then those who were opposed to the sale of it suggested that it be a sale or lease, and it was amended that way. Then it was attacked from both sides, both by those who are opposed to selling and those who are opposed to leasing. No matter what sort of a measure you bring in here for coal mining in the Territory of Alaska, either to sell the land to private ownership or to lease it, it is going to be violently attacked.

This plan has been wrought out after much thought and study by those familiar with conditions there, who have made a study of it, and it has the approval of the administration. I believe it is the most feasible and practicable way for the development of the coal deposits of that Territory and that the bill should be passed.

I do not believe any of the objections which the Senator from Colorado has so ably and learnedly made to a general leasing system apply to this bill, which is confined in its operations entirely to the Territory of Alaska, where the conditions are peculiar, so much so that a large majority of this body voted for Government construction of a railroad there when they would not have voted for it in any other section of the country. I think the mining conditions there justify peculiar legislation for the development of the Territory of Alaska just as much as they justified and called for the Alaska railway bill.

Mr. WHITE. I wish to ask the Senator from Montana a question. Can he tell us what area will be covered by the leasing system under the bill?

Mr. MYERS. No, I can not; because I do not know how much of it is coal land and how much of it may be mineral land.

Mr. PITTMAN rose.

Mr. MYERS. The Senator from Nevada may be able to answer.

Mr. PITTMAN. I do not desire to take the Senator off the floor.

Mr. MYERS. I yield to the Senator.

Mr. WHITE. I simply want the information.

Mr. PITTMAN. I can give the Senator an approximate idea. The bill reserves for the Government 5,120 acres in one field, which is about half of that field, and 7,680 acres in another field, which is estimated to be somewhere near a half of the good coal of that field. Then there is still another field, known as the Nenana field, which has probably as much as the other two fields put together. So, roughly speaking, we might say it does not cover as much as 50,000 acres. Fifty thousand acres, of course, in a great Territory like Alaska, which is a thousand miles each way, do not involve much land, comparatively.

Mr. WHITE. Does that comprise the coal fields of Alaska?

Mr. PITTMAN. It comprises the known area of what we might term coal land that has a value.

Mr. WEST. I should like to ask the Senator what is the estimated amount of coal in Alaska? Has there ever been any estimate put upon it?

Mr. PITTMAN. It has never been estimated as to tonnage. It has only been estimated, I may say, in mileage, or, rather, in acreage.

Mr. POINDEXTER. Mr. President, the Senator will find the estimate of the Geological Survey in the bulletin issued by the survey. In fact, quite a number of bulletins have estimated the tonnage of coal in the several coal fields of Alaska. They estimate the quantity of low-grade and high-grade coal in the surveyed fields at 15,104,000,000 tons.

Mr. WHITE. Does that estimate give the acreage?

Mr. POINDEXTER. Yes; they estimate that there are in the two fields denominated the Matanuska and Bering River fields 400 square miles. Of course, there are other coal areas in Alaska, but they are unsurveyed and the coal is not supposed to be of as high quality as that in these two fields.

The Senator can get some idea as to the extent of the coal fields there by a comparison with the anthracite coal fields of Pennsylvania, which are estimated at 100 square miles. There are four times as many square miles in these two coal fields in Alaska as there are in the anthracite fields of Pennsylvania.

Mr. President, is it in order to offer an amendment to the bill at this time?

The VICE PRESIDENT. It is in order to offer an amendment to the amendment. The entire bill pending before the Senate is an amendment of the committee.

Mr. KERN rose.

Mr. POINDEXTER. I assume that the Senator from Indiana wishes to move an executive session.

Mr. KERN. I desire to move an executive session, if it will not inconvenience the Senator from Washington.

Mr. POINDEXTER. I will be glad to yield for that purpose. I ask to submit for printing, to be offered at a later date, an amendment to the bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

#### EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in

executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 24, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate September 23, 1914.*

##### CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Edward Ewing Pratt, of New York, to be Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce, vice Albertus H. Baldwin.

##### COLLECTOR OF INTERNAL REVENUE.

Martin F. Dillon, of Skaneateles, N. Y., to be collector of internal revenue for the twenty-first district of New York, in place of Charles C. Cole, superseded.

##### UNITED STATES ATTORNEY.

Rhinehart F. Roth, of Fairbanks, Alaska, to be United States attorney, District of Alaska, division No. 4, vice James J. Crossley, resigned.

##### PROMOTIONS IN THE ARMY.

*To be chaplains with rank of captain from September 12, 1914, after seven years' service.*

Chaplain John F. Chenoweth, Fourth Infantry.

Chaplain Horace A. Chouinard, Fifth Infantry.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 23, 1914.*

##### POSTMASTERS.

###### ALABAMA.

Samuel F. Clabaugh, Tuscaloosa.

###### MINNESOTA.

Jacob J. Folsom, Hinckley.

Joseph Haggett, Bird Island.

John Morgan, Thief River Falls.

###### NEW YORK.

John J. Heneher, Cornwall.

John H. Hurley, Rushville.

John T. Kopp, Martinsville.

Charles R. McCann, Salamanca.

Henry H. Tripp, Millbrook.

###### OHIO.

F. F. Taylor, Seville.

###### PENNSYLVANIA.

Jacob L. Hershey, Youngwood.

Milton J. Porter, Wayne.

Stephen B. Ryder, Renova.

###### RHODE ISLAND.

James Mangan, Greystone.

###### WISCONSIN.

John F. Samson, Cameron.

#### WITHDRAWAL.

*Executive nomination withdrawn September 23, 1914.*

J. V. Walker to be postmaster at Tracy City, Tenn.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, September 23, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Creator and dispenser of every good, our Father in heaven, help us to prove ourselves worthy recipients by conforming our lives to what we know to be right in the eternal fitness of things, confirmed by the still small voice, by the revelation in the heart of the Christ, in His teachings, incomparable character, and sublime death on Calvary, that we may hallow Thy name and grow day by day into the likeness of our Maker. In spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### EXPLORATION FOR COAL, ETC.

Mr. FERRIS. Mr. Speaker, notwithstanding this is Calendar Wednesday, I ask unanimous consent for the present considera-

tion of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and so forth.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent, notwithstanding this is Calendar Wednesday, to finish up House bill 16136. Is there objection?

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Oklahoma if there is a prospect that this will take any considerable time?

Mr. FERRIS. I feel quite sure that it will take but a few moments. I understand the gentleman from Illinois has had time to look at the engrossed bill and is not going to demand that it be read. I also understand that the gentleman from Wyoming [Mr. MONDELL] is going to move to recommit, but is not going to ask for the yeas and nays.

Mr. MONDELL. Mr. Speaker, my motion to recommit is rather long and will take five or six minutes to read it, but I do not intend to demand the yeas and nays.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MANN. Mr. Speaker, I withdraw the demand for the reading of the engrossed bill.

Mr. FERRIS. Mr. Speaker, there are two small corrections that ought to be made in the bill, by inserting in one place the article "an" and in another place the conjunction "and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "monument," insert the word "and."

The amendment was agreed to.

The Clerk read as follows:

Page 10 line 25, after the word "be," insert the word "an."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MONDELL. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The SPEAKER. Is there any member of the minority of the committee who desires to make a motion to recommit? There being none, the Clerk will report the motion.

The Clerk read as follows:

Motion to recommit H. R. 16136, by Mr. MONDELL.

Recommit the bill to the Committee on the Public Lands with instructions to report the bill forthwith amended as follows:

Strike out all after the enacting clause, except sections 9, 10, 11, and 12, relating to the leasing of phosphate lands and deposits; sections 18, 19, 20, and 21, relating to the lease of potassium or sodium lands and deposits; and the proviso at the end of section 16 authorizing the Secretary of the Interior to grant leases to claimants of oil and gas lands who may elect to surrender their claims to a patent on condition of receiving a lease covering their land; and section 13, authorizing and validating the patenting under the placer act of certain phosphate lands, and insert in lieu of the part stricken out the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the exclusive right to prospect and explore for coal on the vacant public lands and forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the coal contained therein, and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than two years. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than \$1 and not more than \$4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years covered by the lease, not less than 2 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 3 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 4 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years, but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal on the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall be permitted to hold, directly or indirectly, more than one coal license or lease under this act, or any interest therein, in the same local coal field, or to hold or have an interest in at the same time licenses or leases in directly competitive fields.

"That applications for prospecting licenses and mining leases and all payments on same shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession in good faith with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease,

but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

"That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys, or if on unsurveyed land by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease containing unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same, according to the rectangular system of surveys. No license shall be issued covering, in whole or in part, lands which have been located, selected, entered, purchased, or patented with a reservation to the United States of the coal retained therein until the applicant for such license shall have secured consent of the owner or executed a bond as security for and payment of all damages to such owner by reason of the operations under the said license, as provided in the acts approved March 3, 1909, entitled 'An act for the protection of surface rights of entrymen,' and June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands.' Licenses shall be subject to cancellation by the Secretary of the Interior for failure to begin the work of prospecting within six months after the approval of the license or to continue to prosecute the same diligently or for failure to pay rent when due.

"That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, except as provided in section 3 of this act, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any mine or mines opened upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of the coal so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States in the United States district court for the district in which the lands are located for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided in the act of March 3, 1909, entitled 'An act for the protection of surface rights of entrymen,' and the act of June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands,' in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented under the provisions of said acts. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That no license or lease shall be assigned, mortgaged, or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

"That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees, under the provisions of this act, shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways and the granting by the Secretary of the Interior of rights of way across such lands for purposes contemplated by the right of way

acts of the United States, so located as not to interfere with mining operations: *Provided*, That lessees of coal lands which have been located, selected, entered, purchased, or patented, with a reservation to the United States of the coal therein, shall not be entitled to the use of the surface of such land, except to the extent and under the conditions provided in section 3 of the act approved June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands.'

"That one-half per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid to the State within which the lands are located for the construction and maintenance of roads, the establishment and maintenance of schools, and other purposes as the legislature of the State may provide, and one-half shall be paid into the reclamation fund.

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting to holders thereof the exclusive right to prospect for oil and gas on the vacant public lands and forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein, and to execute leases authorizing the lessee to produce and remove oil and gas from such lands. No license shall pertain to an area of more than 2,560 acres, and no lease shall pertain to an area of more than 1,280 acres, and all such areas shall be in reasonably compact form, and not more than 3 miles in extreme length in the case of a prospecting license and not more than 2 miles in the case of a lease, and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting license shall be issued for a longer period than two years. Lessees shall pay in advance a rental of 10 cents per acre for the first calendar year or fraction thereof, 25 cents per acre for the second year, and not less than \$1 and not more than \$4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty of not more than one-tenth of the value, at the well, of all oil and gas produced. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years, upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such person, may apply for a license to prospect for, or a lease to produce and remove oil and gas from the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder, shall be granted a license or lease as provided herein.

"That applications for oil and gas prospecting licenses and oil and gas leases and all payments on same shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession in good faith with a view of prospecting for or producing oil or gas and reasonable diligence in applying for such license or lease; but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a lease on lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

"That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys, or if on unsurveyed land, by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protest which may be made during the period of publication against the issuance of such license or lease, and no lease containing unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same according to the rectangular system of surveys. No license shall be issued covering, in whole or in part, lands which have been located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas retained therein until the applicant for such license shall have secured consent of the owner or executed a bond as security for and payment of all damages to such owner by reason of the operations under the said license, as provided by law. Every prospecting license shall be conditioned upon the beginning of actual drilling operations with adequate equipment within six months after the date of filing of notice of the approval of the license in the local land office, upon the diligent prosecution of drilling operations, and upon the exercise of reasonable care and diligence to avoid waste of oil and gas, and shall be subject to cancellation for failure to comply with any of such conditions.

"That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence and with adequate equipment to develop the oil or gas in said lands and to produce oil or gas therefrom during the life of the lease in such quantity as the condition of the market and the producing capacity of the land shall justify. That the lessee shall not monopolize, in whole or in part, the trade in oil or gas. That he will at all times sell the oil or gas extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the producing operations shall be carried on in a workmanlike manner, without undue waste and with especial reference to the safety of all employees. That the leased premises and wells drilled thereon and all maps and records of production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior, or any person in interest, may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of

the product of any well or wells drilled upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President; but the owner of the product so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States, in the United States district court for the district in which the lands are located, for the recovery of any additional sum or sums claimed to be justly due upon the oil or gas so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States, in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided by law, in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property, and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee.

"That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees, under the provisions of this act, shall enjoy the exclusive use of the surface, providing that this exclusive use shall in nowise interfere with the establishment and use of all necessary roads and highways and the granting by the Secretary of the Interior of rights of way across such lands for purposes contemplated by the right-of-way acts of the United States, so located as not to interfere with drilling operations: *Provided*, That lessees of lands which have been located, selected, entered, purchased, or patented, with a reservation to the United States of the oil and gas therein, shall not be entitled to the use of the surface of the land, except to the extent and under the conditions provided by the laws under which the said reservation was made.

"That one-half of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid to the State within which the lands are located for the construction and maintenance of roads, the establishment and maintenance of schools, and other purposes as the legislature of the State may provide, and one-half shall be paid into the reclamation fund.

"That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

"That the act approved February 11, 1897, entitled 'An act to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States,' be, and the same is hereby, repealed: *Provided*, That rights initiated under the act hereby repealed, prior to the passage of this act, shall not be affected by said repeal, but may be perfected without regard to the provisions of this act."

**THE SPEAKER.** The question is on agreeing to the motion to recommit.

The question was taken, and the motion to recommit was rejected.

**THE SPEAKER.** The question is on the passage of the bill. The question was taken, and the bill was passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of Corbett Tunnel, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. JONES, and Mr. LEA of Tennessee as the conferees on the part of the Senate.

#### RESIGNATION OF A MEMBER.

**THE SPEAKER** laid before the House the following letter. The Clerk read as follows:

WASHINGTON, D. C., September 22, 1914.

HON. CHAMF CLARK,

Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to announce that I have to-day forwarded to his excellency the governor of Georgia my resignation as a Member of the House of Representatives, to take effect on the 2d day of November, 1914.

Very respectfully,

THOMAS W. HARDWICK.

#### CODIFICATION OF THE PRINTING LAWS.

**THE SPEAKER.** This being Calendar Wednesday, the House automatically resolves itself into Committee of the Whole House

on the state of the Union for the further consideration of the bill 15902, the codification of the printing laws.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Chair will state that when the committee rose last Wednesday an amendment was pending, offered by the gentleman from Illinois [Mr. MANN], to strike out a proviso with an amendment to the amendment offered by the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to withdraw my amendment to the amendment, and ask that a substitute for it which I have sent to the desk be adopted.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw his amendment and to offer for it a substitute. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the proviso beginning in line 16, page 59, so as to read as follows:

*"Provided further, That all publications allotted to a Member in his respective folding room which are not taken by him prior to the expiration of his service in Congress shall be placed to the credit of his successor: Provided further, That the superintendent of documents at the Government Printing Office is hereby authorized and directed to exchange publications which he may have available for those of equal value which a Member may have to his credit in his respective folding room, and, for the purpose of facilitating such exchanges, the superintendent of each folding room shall advise the superintendent of documents, on request, as to the number of any documents that a Member may have to his credit therein: Provided further, That the superintendent of each folding room shall report annually the accumulation of obsolete or useless documents therein to his respective House, which shall authorize the same to be delivered to the superintendent of documents, to be sold or disposed of by him as provided for by law."*

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may withdraw the amendment offered by me to strike out the proviso.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment offered to this section, which was to strike out the proviso. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Indiana, which has just been reported.

The amendment was agreed to.

The Clerk read as follows:

SEC. 58. PAR. 1. The superintendent of documents is hereby authorized to sell for cost any Government publication in his charge the distribution of which is not otherwise directed by law or withheld by order of the head of the department, independent office, or establishment of the Government in which it originated, or of the Joint Committee on Printing if a congressional publication. The selling price of such publications shall be determined by the Public Printer and sufficient to cover the cost of paper, handling, and printing from plates; unless the price thereof is fixed by law: *Provided*, That the superintendent of documents shall not mail under the Government frank any publication sold to or on the order of any person, firm, or corporation engaged in the sale of such publications for profit, but shall charge, in addition to the regular price thereof, the cost of wrapping, mailing, or otherwise dispatching the same; nor shall he permit such sales to interfere with or delay the regular work of his office or to deplete the stock of publications required for other purposes: *Provided further*, That hereafter every Government publication offered for sale by the superintendent of documents shall have printed thereon the prepaid price at which a copy of the same may be obtained from him by any person.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 61, line 3, after the word "and," at the beginning of the line, insert the word "be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 58. PAR. 2. The work of addressing, wrapping, mailing, and otherwise dispatching all Government publications for public distribution, except charts, maps, and weather reports, which are issued by any executive department, independent office, or establishment of the Government at Washington, D. C., shall be performed by the superintendent of documents at the Government Printing Office, and each executive department, independent office, or establishment of the Government at Washington, D. C., shall, from time to time, supply the superintendent of documents with mailing lists, in convenient form, and changes therein, or addressed penalty labels for use in the distribution herein provided for; the Public Printer shall furnish the superintendent of documents the publications required for such distribution from the number of copies to which the executive department, independent office, or establishment of the Government supplying the mailing lists or labels may be entitled, and the superintendent of documents shall distribute such copies only in accordance with the provisions of law or the instructions of the head of the department, independent office, or establishment of the Government issuing the publication: *Provided*, That the superintendent of documents shall, from time to time, furnish each executive department, independent office, or establishment of the Government with copies of any of its publications to which it may be entitled, for official use or for supplying such individual requests as are

received subsequent to the regular distribution thereof; but no such publications shall be allowed to accumulate in any department, independent office, or establishment of the Government, which shall return all surplus copies to the superintendent of documents on or before the 1st day of July of each year: *Provided further*, That nothing in this paragraph shall be construed to apply to orders, regulations, instructions, directions, notices, manuals, or circulars of information printed for official use and issued by any executive department, independent office, or establishment of the Government, unless the same shall be issued on regular mailing lists, or to the distribution of Government publications by the document or folding room of either House, or by Members or officers of Congress.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The proviso on page 62 provides that the superintendent of documents shall from time to time furnish each executive department, independent office, and establishment of the Government copies of any of its publications, and so forth, for official use or for supplying such individual requests as are received subsequent to the regular distribution thereof. Then it goes on, after providing that these documents shall not accumulate in the department, and provides that the department shall return all surplus copies to the superintendent of documents on or before the 1st day of July of each year. Those documents may have been furnished to the department on the 25th of June of the year.

Mr. BARNHART. Mr. Chairman, that is entirely in the discretion of the department—as to whether it is surplus or not. That would be entirely within the decision of the department.

Mr. MANN. "Surplus copies" means copies which have not been used. If it does not mean that, it does not mean anything.

Mr. BARNHART. I hardly agree with the gentleman from Illinois in that. I think this means the copies which they may not need. They must decide for themselves. It would not necessarily imply, if they have a large number of documents on hand, that they have a surplus. They might have use for them. The ones for which they have no use may or must be considered surplus by the department.

Mr. MANN. Plainly that is not what it means. Here is an authority for the superintendent of documents to furnish certain copies of a publication issued by one of the executive departments to the executive department, first, for official use, and, second, for supplying such individual requests as are received subsequent to the regular distribution thereof. Then it says that all surplus copies shall be returned to the superintendent of documents on the 1st day of July. If that does not mean that all copies which they have there for distribution shall be returned, it does not mean anything. They are not supposed to be furnished with more copies than they want, but this is a mandatory provision to return on the 1st of July. It seems to me it ought to be left so that it is discretionary with the department, so that if they have more copies than they want to keep they can return them, and that we should not insert a mandatory provision that they must return all surplus copies, which must mean copies which have not been distributed, but which are held for that purpose.

Mr. BARNHART. Mr. Chairman, I like to agree with the gentleman from Illinois whenever I can, but it seems to me that the language could not be any plainer than to require of the head of a department that on the 1st of each July he may return surplus copies that he may have of any documents. A department head may have in his office now 500 documents. He can see no possible use for above 100 of them, yet he may need that number, and he may want to hold them in case of emergency, not now foreseen, but he could surely say that 400 of them would be surplus, and under this provision he would send them back to the superintendent of documents.

Mr. MANN. But here you only send from the superintendent of documents to the department such number as the department thinks it needs, to use for its own use and distribution. There is no surplus in the sense that the gentleman uses that term.

Mr. BARNHART. No department can surely estimate a year in advance what requirements may come to it. Sometimes we here print a document in very large numbers, and after we have it a short time we discover that there is really no demand for it, or something occurs that takes it entirely out of interest, and under such circumstances no head of a department could estimate a year or a year and a half in advance when he makes his requisition just how many of such documents he may need; but if he finds at the end of the year he has a large number on hand that he surely will not need, then it becomes his duty to send them back and get them out of the way.

Mr. MANN. Oh, this does not mean anything under that construction. He can do that now.

Mr. BARNHART. He does not get the documents now.

Mr. MANN. Certainly he does. For instance, we print every day nearly, or every few days, a report of the Chief of Engineers on some river and harbor project. Some of those reports

go to the document room of the House and some of them go to the War Department. As a rule, if the gentleman wants one six months from now, instead of going to the document room for it he would probably write to the War Department for a copy. They have those copies there, and they have them for years back. I think under this provision they would have to send them back to the superintendent of documents.

Mr. BARNHART. This provision is intended to cover such publications as come within the valuation plan of this bill.

Mr. MANN. This does not come within the valuation plan. That has nothing to do with the valuation plan.

Mr. BARNHART. Under an enactment of 1912 it was provided that the superintendent of documents should supply all of these to the departments.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. As I understand there has been a new rule established whereby the superintendent of documents, so far as certain departments and bureaus are concerned, is to distribute the documents direct from the Government Printing Office upon requisition of the department. Is it proposed under the existing paragraph to continue that practice or change it in any particular? The provision under consideration to which the gentleman from Illinois [Mr. MANN] adverted would seem to convey the idea that the Government Printing Office is to send publications to the departments themselves for distribution. Has the gentleman's committee considered the feasibility of having the work of distribution done entirely through the superintendent of documents of the Government Printing Office?

Mr. BARNHART. Yes, it has; and in this connection I might say that this refers to the documents which have been printed for some departments under the appropriations authorizing them to have a printing allowance, and they have seen fit to call on the Public Printer for such allowance. Now these documents are taken by the departments, and if we should want one in case of an emergency the printing might not be on hand. That is, the department gets these publications for the purpose of distributing them, and it does not make any difference whether they are distributed directly or on request of Members of Congress; but in any event this provision, as framed, is intended to authorize these departments when they have a surplus of documents to send them to the superintendent of documents, so as to get the benefit of them under the valuation plan.

Mr. STAFFORD. I am directing my inquiry under the plan proposed by the committee, whether the committee seeks to maintain the plan which was initiated here a couple of years ago for the superintendent of documents to send documents out direct upon the requisitions of the bureaus or departments, or whether it seeks to continue the old plan of having the departments themselves send them out. We know when we write to some departments for a public document some of the replies state that requisition has been made on the superintendent of documents and the documents would be furnished through him.

Mr. BARNHART. Yes; the intent of the committee is to continue the present plan, with a further simplification of letting them make application hereafter direct to the superintendent of documents and not through some department for these publications to which we are entitled as Members of Congress.

Mr. STAFFORD. I am directing my inquiry to the documents which are controlled by the departments themselves as to which we have none to our credit, as they are not congressional publications, and I wish to inquire if the committee has considered the feasibility of having the distribution of all Government publications sent out through the superintendent of documents, as some of the bureaus have inaugurated it?

Mr. BARNHART. Oh, yes; the committee fully considered that, and it found it would be impracticable in many instances to do that, so it has readopted what might be called the folding-room list of publications to be included in the valuation plan, and hereafter the documents which the gentleman secures from the department he will get just as he does now. For instance, if you need a publication that has been issued by the Secretary of War, printed through an appropriation that had been given him for printing purposes, you will get such publication of the Secretary of War just as you do now.

Mr. STAFFORD. But will the Secretary of War in turn send that requisition to the superintendent of documents, or will the Secretary of War have the documents in his own possession for distribution direct?

Mr. BARNHART. If it is an individual request, of course he will send it direct. If it is a request to send it out, he will probably send it to the superintendent of documents from the quota which he has not yet ordered to his office.

Mr. STAFFORD. Why would it not be feasible to have all of the work of distributing public documents under one department of the Government Printing Office, rather than having them distributed by various adjuncts in the departments?

Mr. BARNHART. Well, it is supposed that is what is done under this provision, except as to the individual requests, in which we thought it might expedite matters as proposed and the Members could get these documents sooner by going direct to the department and getting them there rather than for their order to go through the superintendent of documents.

The Clerk read as follows:

SEC. 58, PAR. 3. The superintendent of documents is hereby authorized to order printed or reprinted from time to time additional copies of any Government publications, not confidential in character, as may be required for sale, such orders for congressional publications to be subject to the approval of the Joint Committee on Printing, and for other publications, to the approval of the head of the executive department, independent office, or establishment of the Government in which the same shall have originated: *Provided*, That no Government publication, except charts, maps, patent specifications and drawings, or publications not printed at the Government Printing Office, shall be sold by any executive departments, independent office, or establishment of the Government, unless the sale thereof shall be specifically authorized by law, and all other publications, which any executive department, independent office, or establishment of the Government may have on hand for sale, shall be transferred to the superintendent of documents at the Government Printing Office to be sold by him as provided by this act: *Provided further*, That whenever any executive department, independent office, or establishment of the Government desires to discontinue permanently its free distribution of any publication issued by it, the superintendent of documents shall be so notified, and thereafter he shall sell the same as provided for by law, and the Public Printer shall supply such department or establishment, from the copies authorized for it by law, with only a sufficient number for its official use.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this last proviso which authorizes any department of the Government to suspend the free distribution of publications issued by it—is that a new proposition here?

Mr. BARNHART. Well, it is a new proposition, but it merely does by authorization of law what the departments are now doing.

Mr. MANN. Oh, well, let us see. We provide by law now for the publication of certain documents and reports. The law requires that publication. The departments have no authority of law to sell those publications. Now the gentleman proposes to give to any department the authority to entirely suspend the free distribution of these publications which were required by law to be published. Does the gentleman think it entirely safe to do that?

Mr. BARNHART. Well, this provision was incorporated at the suggestion, I think, of the Secretary of Commerce, and I can give one instance in point. The Daily Consular and Trade Reports were printed, and accumulated, from year to year in large numbers. We provided enough for each Member to have some, but in the recent past the Secretary of Commerce has discontinued the publication of the Daily Consular and Trade Reports except for sale to those who wanted to buy them, and the superintendent of documents no longer circulates those through the Department of Commerce, because it was thought to be a great waste to undertake to continue that printing.

Mr. MANN. But the Daily Consular Reports were never required to be printed. There is no law requiring their printing. They were not printed for many years. We inaugurated the policy of printing the Daily Consular Reports after the creation of the Department of Commerce and Labor and printed them out of that departmental printing fund.

They were distributed free, but it was wholly within the power of the department to furnish them or not to furnish them. As to the annual reports of the Department of Commerce, the law requires them to be printed, and they are distributed free, and the department has no authority to suspend the printing of them.

Mr. BARNHART. Under the present law it is provided:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to have printed, for distribution by the Department of Commerce and Labor, an edition of Daily Consular Reports not to exceed 20,000 copies in any one issue: *Provided*, That the usual number shall not be printed.

SEC. 2. That that part of section 73 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, which reads, "Of the reports of consular officers, 1,500 copies; 500 for the Senate, 1,000 for the House," and that part of an act approved February 9, 1899, making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1900, which reads, "Each issue of diplomatic, consular, and other commercial reports shall not exceed 10,000 copies," are hereby repealed. (Public No. 270, Sixty-first Congress, approved June 25, 1910.)

So we simply give authority of law to clear it up. In other words, try to clear up the provision that enables the head of a department to discontinue a publication he finds to be unnecessary, because uncalled for.

Mr. MANN. He may continue the publication, but here are Members of Congress who want the Daily Consular Report.

I think they are entitled to it; but you think they ought to pay for it. The Secretary may make an annual report, and then conclude there ought to be no free distribution of it. You write for it and you are told: "Very well, put up your money for it and buy it." You may want it for your official use, but you must pay for it. I do not believe in requiring the officers of the Government who want these publications for proper consideration to pay for them to the department. We have to do that now with some publications.

Mr. BARNHART. The Member, for his own use, under the bill, would be given two copies each year of any one of these publications. The balance would be distributed by the department. He may distribute them to Members of Congress, if he sees fit, or he may give them direct to those who ask for them. But I want to explain in this connection that I recall at least three Members who live in communities where evidently there is a large demand for these consular trade reports, and they could not get enough to supply one in ten where they did want them, and so they agreed that it would be best to have those who want them pay for them.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. The Clerk will read.

The Clerk read as follows:

SEC. 58. PAR. 4. All moneys received by the superintendent of documents from the sale of Government publications shall be returned to the Public Printer on the first day of each month and by him covered into the Treasury monthly to the credit of miscellaneous receipts: *Provided*, That the appropriation for the public printing and binding shall be reimbursed for the cost of prints and reprints ordered under paragraph 3 of this section from moneys received by the superintendent of documents from the sale of such publications.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask what change there is in this paragraph 4, section 58, in reference to the reimbursement of the cost of printing from the existing law?

Mr. BARNHART. It is the present law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 60. PAR. 2. The superintendent of documents shall also prepare and publish in one volume an index to the documents and reports ordered printed by Congress, or either House thereof, at each session, and at any special session, unless the documents and reports are too few in number, in which case the superintendent of documents may combine in one index the documents and reports of any special session with those of the preceding or following regular session of Congress, and shall index such documents as the Joint Committee on Printing shall direct: *Provided*, That the superintendent of documents is authorized to print and bind for distribution by his office not to exceed 1,000 copies each of the catalogues and indexes authorized by this section.

Mr. BARNHART. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 15, after the word "the," insert the words "Congress and session."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I believe we now print a session index or catalogue and term index or catalogue? Is not that correct?

Mr. BARNHART. Yes, sir.

Mr. MANN. Does anybody make any use of them? Has the gentleman ever made any use of the session catalogue or index?

Mr. BARNHART. I do not know that I have; but I do recall that we inquired of the superintendent of documents, and he said he has requests for them frequently? Librarians use them, too.

Mr. MANN. He may have requests for them from people who have never seen them; but does he ever have any requests for them from anybody who has examined one of them?

Mr. BARNHART. I am afraid the gentleman from Illinois is trying to get me to say something I do not wish to put in the RECORD.

Mr. MANN. It may be that somebody makes use of this. I have been here a long time, and keep pretty close track of the documents, but I have never been able to get any satisfaction, information, or benefit from this catalogue or index.

Mr. BARNHART. To be frank with the gentleman, what little information I have is to the effect that, very largely, these publications are taken by Members of Congress, together with a good many others that they can secure from the superintendent of documents, who send them out in envelopes carrying the frank of the Representative, in order to show people at home that they are not forgotten.

Mr. MANN. We used to get a quota, I think, of two copies of these catalogues or indexes. I do not recall ever having had an inquiry for one of them. When we used to get the quota—and the quota was delivered to us as coming through the fold-

ing room, or was delivered to us in the old days—I think I used to mail one of those to the Chicago University Library, and maybe both of them. I do not recall that I ever did get any information from them.

Mr. BARNHART. Well, Mr. Chairman, there is this about it, however, that the depository libraries must have this information. That is required. They can not conveniently know what Government publications have been issued unless they have an index of this sort.

Mr. MANN. A library that is any good keeps a card index. Now, we issue a monthly catalogue of all the Government publications that are received. I do not know whether other gentlemen do or not, but I always read it over.

Mr. BARNHART. Even that is made up from the report of the Printer, no doubt.

Mr. MANN. Then, we issue a session catalogue and index, and then we use a term catalogue and index.

Mr. BARNHART. No, Mr. Chairman; the gentleman is mistaken. We issue only two, namely, for the session and the Congress.

Mr. MANN. We issue one for the session—that is, each session—and then, at the end of the Congress, we issue one for the Congress, and then during each Congress we issue one every month.

Mr. BARNHART. Mr. Chairman, I do not see how that could be changed without interfering with the requirements of these libraries.

Mr. MANN. Personally I think we can cut one of these out without any difficulty.

Mr. BARNHART. I will say to the gentleman that the committee, in its proceedings, when it found an official charged with the important duty of being a superintendent of documents or superintendent of a folding room, or the head of a department, having in charge publications, and he gave us information that there was demand for these publications, we continued them.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 61. All official correspondence of the office of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail. The superintendent of documents shall be entitled to frank Government publications: *Provided*, That in the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

Mr. MANN. Mr. Chairman, I move to strike out, in line 2, page 67, the words "and all replies to the same."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 67, line 2, strike out the words "and all replies to the same."

Mr. MANN. Mr. Chairman, I suppose that is a privilege that they now enjoy. There are many Members of Congress who at times thought they not only had the franking privilege on letters which they sent, but also the franking privilege on letters which they received. That is not the fact, and that apparently grows out of this, probably, where we give the franking privilege to people who are corresponding with the superintendent of documents about the purchase of documents. But why should they not pay the postage on their correspondence?

Mr. BARNHART. This is intended to apply to that phase of the franking law wherein the superintendent of documents could send to libraries publications which might be useful to the superintendent of documents for other disposition in case the libraries do not desire them, and the library to which they are sent would like to send them back, but probably would not do so unless it had the franking privilege. That is the purpose of this provision. It is an economy to the Government to get these books back if they go out to those who do not want them, and this provision is carried here in order that they may be remailed back.

Mr. MANN. Would the gentleman say those books constituted correspondence?

Mr. BARNHART. No; they are not correspondence.

Mr. MANN. All that this relates to is correspondence. In other words, if under this provision a man writes to the superintendent of documents in reply to a circular letter from the superintendent of documents, he is entitled to send his reply free.

Mr. FINLEY. Mr. Chairman, will the gentleman from Illinois yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. MANN. Yes; I yield.

Mr. FINLEY. The purpose of this, amongst other things, is to place the superintendent of documents on the same footing as the Director of the Census and the Secretary of the Treasury and other people who write to individuals on official business, and write letters of such a character as demands a reply.

Mr. MANN. Well, the Bureau of the Census is asking for information for the benefit of the Government and furnishes the franking privilege in order to get the information. But here a man is applying for something for his own benefit. It is of no benefit to the Government. Now, why should he be given the franking privilege?

Mr. FINLEY. I understand section 61 is the one that the gentleman has reference to?

Mr. MANN. Yes.

Mr. FINLEY. It says:

All official correspondence of the office of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail. The superintendent of documents shall be entitled to frank Government publications.

That clearly applies to official correspondence initiated by the superintendent of documents. The language is added, "The superintendent of documents shall be entitled to frank Government publications."

Mr. MANN. I am only referring to the replies to the correspondence.

Mr. FINLEY. I call the attention of the gentleman from Illinois to the fact that the superintendent of documents initiates the correspondence, and in that he writes a letter that calls for a reply, and it only places him in the same position as other Government officials initiating correspondence for the same purpose and receiving a reply to that correspondence.

Mr. MANN. There is no occasion for the Government, where people are corresponding about documents or anything else for their own benefit, to have the Government furnish them the free mailing privilege.

Mr. FINLEY. Then if the gentleman will permit me, the section proceeds—

In the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

It is to be under the penalty clause, and it is placed on a parity with other correspondence of a like character and purport, so that I can see no objection to section 61, considered in that view.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. BARNHART. Mr. Chairman, in further explanation of what the gentleman from South Carolina [Mr. FINLEY] has said, I might explain that in the case of many of the more valuable publications there are established mailing lists by the different departments, and each annual publication is sent out through this mailing list. I recall that before I was a Member of Congress I frequently received Government publications, and inclosed with them were return postal cards, setting forth the request that I acknowledge their receipt, and also asking whether or not I cared to retain the volumes. Many times I have had requests, together with a frank slip, in which it was stated that if I did not care for the volume, the department sending it would be glad to have it returned. But if the Government had sent to me that volume, together with a letter simply saying that it had been sent and asking me to say whether or not I was going to return it, I would not have felt disposed to spend 2 cents for postage to tell the Government that I did not want the publication. I do not believe it would be right to cut out the words "and replies to the same," because in such a case the letter would be sent out in the interest of Government economy, so that if a publication was not needed by the person to whom it was sent the department would be notified, and then they would have it for distribution somewhere else, where it was needed.

Mr. STAFFORD. Mr. Chairman, the case suggested by the chairman of the committee might have merit, but the amendment proposed by the gentleman from Illinois [Mr. MANN] embodies a different status entirely. When a department sends out gratis Government publications, such as the reports of the Interstate Commerce Commission and various reports of other departments, it generally incloses a franked card asking an acknowledgment of receipt. But here you are giving to one official of the Government something that only a limited number of officials have, such as the Director of the Census or the Secretary of the Treasury when he is writing for official information for the benefit of the Government.

The proposition before the committee is whether we should give to the superintendent of documents the privilege to have all persons who correspond with him about publications, to be

purchased at cost, to send their reply without postage charge to the transmitter. There are some of us who have been in Congress a long time who know of instances—although those instances are rare—where Members of Congress have abused the franking privilege by inclosing in letters to their constituents a franked envelope for reply. It is a grave abuse, and it is not supported by law or regulation. Why should you single out one official of the Government, who is virtually doing a commercial business, selling Government publications at cost, and vest in him a privilege not enjoyed by other officials of the Government, of saying to those who correspond with him that their replies may be sent without payment of any postage?

Mr. FINLEY. Mr. Chairman—

Mr. STAFFORD. I yield to my colleague on the Post Office Committee.

Mr. FINLEY. I am sure the gentleman must realize his error when he says that no other Government official has this privilege. This is the official correspondence of the superintendent of documents, and the replies to the same are in reply to official correspondence, when he asks for information or wants some data, or perhaps he wants to know whether or not a library wants certain publications. Many Government officials have this same right under the law.

Mr. STAFFORD. I can say without fear of successful contradiction that there is no other Government official who has the authority to inclose a franked penalty envelope to any person who writes to that official for information in connection with his department for the purpose of having the reply inclosed in that franked envelope. I have already excepted the cases where the Director of the Census, or the Treasury Department, or the Agricultural Department—

Mr. FINLEY. Or the Post Office Department.

Mr. STAFFORD. Sends out letters for official information; but here we have the superintendent of documents, who is virtually going to be the distributing agency for the sale of Government publications at cost. He is going to receive thousands and hundreds of thousands of letters from people throughout the country, and it is proposed that when he writes a letter he is to be privileged to inclose a franked penalty envelope, addressed to himself, for a reply, thereby saving the correspondent the little cost of putting a postage stamp on the reply. Under this bill we are providing that all public documents shall be furnished to any person who may apply for them, at the bare cost of paper and printing, without even 10 per cent added to allow for the depreciation of plant or administration expense. We are doing that for the benefit of the public; but here we have a provision that may be abused so greatly as to curtail the postal revenues. I think every Member can see the propriety of adopting the amendment.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. I gathered from the statements made by the gentleman from Indiana [Mr. BARNHART] and the gentleman from South Carolina [Mr. FINLEY] that the main purpose of this was, where somebody applied to purchase a document and the superintendent of documents mailed the documents to the purchaser, he mailed an inclosed card to show that the purchaser had received the document. I understand that is the real purpose of this.

Mr. FINLEY. I will say that is one purpose; but that is not all of it.

Mr. MANN. I confess that looks like a legitimate reason. The man himself might have no incentive to pay postage to send a card to say that he had received a document, while the superintendent of documents might desire to know whether it had been received or not.

Mr. FINLEY. If the gentleman from Illinois will permit me—

Mr. MANN. I ask unanimous consent to withdraw my amendment.

Mr. STAFFORD. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin objects. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 63. PAR. 1. The press gallery of the Senate, the press gallery of the House of Representatives, and each newspaper correspondent whose name appears in the Congressional Directory shall be entitled to one copy of every numbered document ordered printed by either House of Congress, provided that the press gallery superintendent or correspondent files a request for such document with the superintendent of documents at the Government Printing Office within 10 days after the order to print has been made; and shall also be entitled to the Monthly Army List and Directory, the Monthly Navy and Marine Corps List and Directory, the Diplomatic and Consular List of the State Department, the Official Register of the United States, and the Statistical Abstract published by the Department of Commerce.

Mr. MANN. Mr. Chairman, I move to strike out lines 20, 21, 22, and 23, on page 67.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 67, strike out lines 20, 21, 22, and 23.

Mr. MANN. Mr. Chairman, this paragraph purports to give to the press correspondents one copy each of every numbered document printed by either House of Congress. I think it is proper to do that, but the proviso takes away that gift. It is an Indian gift. You hold it out in your hand and when the man goes to take it you pull it back, by saying that in order to get these documents they must make a requisition within 10 days after the order to print has been made. There is not a correspondent who knows when the order to print is made, and often he does not know what the document is when the order to print is made. The Members of the House do not know one time in ten. There is a proposition which offers to give to the press correspondents documents which they ought to have, but which says that they can not have that right unless they make a requisition for the documents at a time when they do not know what the documents are and probably do not even know when the time is within 10 days after the order to print has been made. The document may be printed a year after. Certainly, a considerable length of time elapses before the document is printed. I think the press correspondents are entitled to receive these documents when they are printed, and while it may be a little more convenient for the Printing Office to know exactly the number of documents which will be demanded, still, that is not possible under the valuation plan, anyhow.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. STAFFORD. The gentleman has a right to oppose the amendment.

The CHAIRMAN. There is an amendment pending, and the gentleman has the right to speak in opposition to it.

Mr. STAFFORD. If the gentleman should ask unanimous consent to proceed for half an hour, I would not object, but I do object to the request for five minutes when the gentleman has that right.

Mr. BARNHART. Mr. Chairman, the argument set forth by the gentleman from Illinois [Mr. MANN] has some consistency in it, and yet, being a newspaper man myself, I am quite sure that the press gallery is alert. I know that it has a man in charge who is continually on the lookout for news that may be of importance, and I also know that if we should undertake to establish a storeroom in the press headquarters for all the documents that are issued we would furnish an enormous supply, and we would soon have a request from the newspaper men not to send such a superfluous number of documents to them. They would need a library to take care of them. In many instances these documents are very valuable. The newspaper men have access to these reports, and they are Johnny-on-the-Spot fellows always. They have access to these reports when they are printed, and if they want to make reference to them they have the privilege of doing so. At least they may have an early print. There are many publications which would amount to a great many volumes in the aggregate, too many for the newspaper men to use in their business.

In conversation with the representatives of the press it was thought best that unless they asked for these documents that there be sent to them only such as they might require.

Mr. MANN. I do not understand that they send them or would be required to send them unless asked for.

Mr. BARNHART. That is the intention of the bill.

Mr. MANN. No; the intention of the bill is that they must make a request for the document before it is printed. All I want to do is to have them make the request after the document is printed.

Mr. BARNHART. If they do not make the request until after the document is printed, as a matter of course their copy might as well be sent to the press gallery. On the other hand, most newspaper men would prefer instead of having all sorts of stuff sent to them that it be taken down and thrown into the Potomac River. If they want the documents they will ask for them, and if they do not want them the Government should not force them upon them.

Mr. MANN. I am not undertaking to force them upon them. The documents will not be sent to the press gallery, and they will not be sent to press correspondents under my amendment unless they ask for them. No press correspondent knows what a document is until after it is printed. There is no chance for a press correspondent to examine the manuscript copy in the office of one of the Secretaries of a department to see whether he wants it or not. There is no chance to examine a

copy of the document that is printed by order of the House to see whether they want a copy or not. Why not let them make the request on the superintendent of documents when the document is printed?

Mr. BARNHART. The reason is that there will be no economy in that whatever. The purpose of this is to try and conserve as much economy as possible. We learned that it would not be acceptable to send all these documents to the press gallery. The newspaper men will not use all the reports. It would enforce the obligation upon the superintendent of documents to supply the press gallery with a copy of every publication, or else hold it in his storehouse.

Mr. MANN. The superintendent has plenty of documents on hand under this bill to supply newspaper correspondents and the public and Members of Congress; that is the theory of the bill. The gentleman talks about sending them to the press gallery. There is nothing here that contemplates sending them to the press gallery, and the gentleman from Indiana knows that as well as I do. There is no intention to force these copies on the newspaper correspondents. The gentleman holds out a promise to these press correspondents, but there is no substance to it, it is pure shadow.

Mr. BARNHART. The gentleman from Illinois does not stop to consider that if we leave it open, according to his proposition, if there are 350 Members, they might exhaust a good many publications, take them all, when one would answer the purpose, and they might have it in common by requesting it for the press gallery.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 24, noes 28.

So the amendment was rejected.

The Clerk read as follows:

SEC. 63. PAR. 2. The superintendent of documents is hereby authorized to make requisitions upon the Public Printer for the necessary number of copies, bound in paper or cloth, as directed by the Joint Committee on Printing, to enable him to make the distribution provided in paragraph 1 of this section: *Provided*, That only one correspondent of any newspaper office, bureau, or press association having more than one correspondent or representative whose names appear in the Congressional Directory shall be supplied by the superintendent of documents with documents and publications provided under this section.

Mr. MANN. Mr. Chairman, I move to strike out the proviso.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 68, strike out the proviso of section 63 reading as follows:

*Provided*, That only one correspondent of any newspaper office, bureau, or press association having more than one correspondent or representative whose names appear in the Congressional Directory shall be supplied by the superintendent of documents with documents and publications provided under this section."

Mr. BARNHART. Mr. Chairman, I want to briefly oppose the amendment. Take, for instance, the United Press or the Associated Press. If they have 6 men or 12 men in the city, it would be utter folly to send copies to all of them when one copy is all they want. I submit that it would be a waste of public printing and an imposition upon the press bureaus to inflict that many copies upon them by sending one to each member of their staff. I trust that the amendment will not prevail.

Mr. MANN. Mr. Chairman, I am surprised that the gentleman from Indiana did not say if they had 50 or 75 correspondents; he might just as well. The names printed in the directory do not amount in number to anywhere near the number stated by the gentleman from Indiana. The press correspondents want some of these documents for their own personal use for examination. Why should we decline to give them to them? The cost is unimportant.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BARNHART) there were—25 ayes and 24 noes.

Mr. BARNHART. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Indiana [Mr. BARNHART] and the gentleman from Illinois [Mr. MANN].

The committee again divided; and the tellers reported that there were 42 ayes and 44 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 64. PAR. 1. The libraries of each executive department in Washington, D. C., the United States Military Academy, the United States Naval Academy, each State and Territory, the District of Columbia, the Government of the Philippine Islands at Manila, the Government of Porto Rico at San Juan, the Pan American Union, each land-grant college, the office of the superintendent of documents, the Historical Library and Museum of Alaska, the American Antiquarian Society of Worcester, Mass., and in addition thereto not to exceed one library for

each congressional district and Territory and two libraries at large for each State, to be designated by the superintendent of documents under such rules and regulations as are approved by the Joint Committee on Printing, are hereby constituted depositories of Government publications, and all designations now existing shall be permanent, except as otherwise provided in this section.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information on certain provisions in this paragraph. I first direct attention to the provision which states that all designations now existing shall be permanent. Does that include the present list of each library for each congressional district, and of two for the State at large, as is provided in this paragraph?

Mr. BARNHART. Yes.

Mr. STAFFORD. Or does it provide for a larger number to those that are now receiving these publications?

Mr. BARNHART. Mr. Chairman, it is existing law, and it provides for three. We went over that the other day at some length.

Mr. STAFFORD. It provides for one only to each congressional district.

Mr. BARNHART. Yes; and two for the State at large. That is existing law.

Mr. STAFFORD. So the report states. I thought perhaps there should be some greater liberality than to one library in each congressional district, because in nearly every congressional district there is more than one library. There should be depository libraries in each large city that should be privileged to receive these documents if they wish to.

Mr. BARNHART. The difficulty about that is, as the committee has ascertained, that it is many times difficult to find a library in a congressional district that will accept all of these public documents for lack of space, and there has been no request, so far as the committee knows, that the number be increased, and until such time we felt it was not incumbent upon us to change existing law.

If there was a demand coming from libraries generally, of course the committee would have answered that demand; but inasmuch as there is none, we thought it well to leave it just as it is.

Mr. STAFFORD. As to those designated institutions, may I ask whether any of them are privileged to reject the documents? For instance, take the American Antiquarian Society of Worcester, Mass. I suppose that is a very ancient and honorable institution of the Bay State.

Mr. BARNHART. Mr. Chairman, there are 166 congressional districts in the United States in which there have not been designations as to where these publications shall be sent. I know how it is in my district. I have had publications sent to my libraries, and have afterwards been notified that they did not have shelf room for so many documents.

Mr. STAFFORD. Are any of these specially designated institutions privileged to reject some of these publications if they do not wish to receive them? Are they privileged to select such as they desire?

Mr. BARNHART. Oh, yes. I take it they would be given that privilege.

The Clerk read as follows:

SEC. 64. PAR. 2. The superintendent of documents shall advise all depositories of Government publications as to the number and character of the annual, serial, or periodical publications that will probably be issued by Congress, the executive departments, independent offices, and establishments of the Government during the ensuing calendar year. Each of the said depositories shall be entitled to designate which of the annual, serial, and periodical publications are desired for its use during the ensuing year, and one copy of each of the publications thus selected shall, if published, be regularly supplied thereto: *Provided*, That if any depository subsequently desires to revise its selections during the year, such changes may be made as in the opinion of the superintendent of documents are reasonable. The superintendent of documents shall give the depositories as early notice and information as practicable concerning the issue of Government publications which are not included in any numbered or dated series, and shall give them reasonable opportunity to make selection of such publications. Any designated depository which desires to receive a copy of every Government publication available for library distribution shall be supplied therewith as provided for in this act, if, in the opinion of the superintendent of documents, it is prepared to make all such publications accessible to the public.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN (Mr. GARNER). The gentleman from Washington asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. BARNHART. Mr. Chairman, reserving the right to object, I do not like to object to any request of my friend, but I do not like to put myself in the attitude of submitting to general debate in the midst of the consideration of this bill. So I am going to now give notice that if there are any other requests like this I shall object.

Mr. BUTLER. Mr. Chairman, I would like to inquire the nature of the gentleman's disorder?

Mr. HUMPHREY of Washington. I am not going to speak on the subject of the bill.

Mr. SHERLEY. What is the gentleman going to talk about?

Mr. HUMPHREY of Washington. I am going to talk about the tariff if I can get a chance. I thought I would ask 10 minutes, but out of consideration for the gentleman from Indiana I have asked only five.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. DONOVAN. Mr. Chairman, the chairman of the committee has just stated that if anyone else makes a similar request he is going to object. That is true, is it?

Mr. BARNHART. That is what I said.

Mr. DONOVAN. Well, another similar request is going to be made, and of course if you want to be fair the gentleman should object.

Mr. BARNHART. Under such conditions, Mr. Chairman, I object.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-seven Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	George	Lieb	Scully
Austin	Gerry	Lindquist	Sells
Barchfeld	Gillett	Linthicum	Slomp
Bartlett	Godwin, N. C.	Loft	Small
Bell, Cal.	Goldfogle	McClellan	Smith, Md.
Blackmon	Gorman	McGuire, Okla.	Smith, N. Y.
Bowdle	Graham, Pa.	Maher	Sparkman
Brown, N. Y.	Gregg	Martin	Stout
Brown, W. Va.	Griest	Merritt	Stringer
Browning	Griffin	Moore	Summers
Burke, Pa.	Guernsey	Morin	Switzer
Calder	Hamill	Moss, Ind.	Taggart
Carr	Hamilton, N. Y.	Mulkey	Talbot, Md.
Clancy	Harris	Murdock	Ten Eyck
Coady	Hedlin	Murray, Okla.	Thacher
Connolly, Iowa	Hensley	Neely, W. Va.	Thompson, Okla.
Conry	Hobson	O'Leary	Townsend
Covington	Hoxworth	O'Shaunessy	Treadway
Crisp	Humphreys, Miss.	Palmer	Tribble
Decker	Johnson, Utah	Parker	Tuttle
Dooling	Kelster	Patten, N. Y.	Underwood
Driscoll	Kennedy, Conn.	Peters	Vollmer
Drukner	Kent	Porter	Walsh
Edmonds	Kindel	Powers	Watkins
Elder	Kinhead, N. J.	Prouty	Webb
Fairchild	Knowland, J. R.	Ragsdale	Whaley
Faison	Konop	Riordan	Williams
FitzHenry	Korbly	Rothermel	Wilson, N. Y.
Flood, Va.	L'Engle	Rucker	Woodruff
Gardner	Lewis, Pa.	Sabath	Woods

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 313 Members, a quorum, answered to their names, and he reported the list of absentees to be entered on the Journal.

The SPEAKER. The committee will resume its sitting.

The Clerk read as follows:

SEC. 65. PAR. 1. There shall be printed and supplied by the Public Printer a sufficient number of copies of all publications printed at the Government Printing Office, not bearing a congressional number, which originate in and are printed for Congress, or either House thereof, or any executive department, independent office, establishment, or officer of the Government, except confidential matter, blank forms, and circulars not of a public character, and all publications of congressional committees and commissions not of a confidential character and not withheld by order of such committees or commissions; and there shall be supplied by the executive department, independent office, establishment, or officer of the Government ordering the same, a sufficient number of copies of all publications printed at the Government's expense elsewhere than at the Government Printing Office, except confidential matter, blank forms, and circulars not of a public character, for the following distribution, unless otherwise specifically provided for or expressly prohibited: To the Executive Office, 2 copies; to the Senate and House Libraries, respectively, 2 copies each; to the Library of Congress, not to exceed 110 copies for its own use and for distribution to international exchanges through the Smithsonian Institution, bound or unbound, as requested by the Librarian of Congress; to the superintendent of documents, 1 copy for official use and a sufficient number of copies to enable him to make distribution to depository libraries: *Provided*, That if any of these publications are bound they shall be distributed in that form under the provisions of this section, and if unbound copies are distributed in advance of the bound editions they shall be supplied immediately upon publication in addition to the foregoing, as follows: Executive Office, 1 copy; Senate and House Libraries, respectively, 1 copy each; Senate and House document rooms, respectively, 1 copy each for reference; Librarian of Congress, 3 copies; superintendent of documents, 2 copies: *Provided further*, That the bind-

ing required by this section shall be done in the manner directed by the Joint Committee on Printing.

Mr. BARNHART. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 22, after the word "office," strike out "establishment or officer" and insert in lieu thereof the words "or establishment."

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, lines 3 and 4, after the word "office" in line 3, strike out "establishment or" and insert in lieu thereof the words "or establishment."

Mr. MANN. Mr. Chairman, I do not know whether the Clerk reported the amendment correctly. Will he report the amendment again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 72, lines 3 and 4, after the word "office," in line 3, strike out "establishment or" and insert in lieu thereof "or establishment."

Mr. BARNHART. Mr. Chairman, I ask that the amendment be amended by inserting the word "officer" after "establishment."

Mr. MANN. After "or."

Mr. BARNHART. After "or."

Mr. MANN. Where it is to be stricken out.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to amend his amendment in the manner indicated. The Clerk will report the modified amendment.

The Clerk read as follows:

Amend the amendment by inserting the word "officer" after the word "or" in the words proposed to be stricken out.

The question was taken, and the amendment as modified was agreed to.

The Clerk read as follows:

Sec. 67. The Vice President, each Senator, Representative, Delegate, and Resident Commissioner, the Secretary of the Senate, and the Clerk of the House of Representatives may send and receive free through the mail any Government publication, extracts from the CONGRESSIONAL RECORD, and frank slips, if the name of such person is written or printed as a frank thereon on the wrapper with the proper designation of his office or official title; and the provisions of this section shall apply to each of the persons named herein until the 1st day of December following the expiration of his respective term of office. The Vice President, each Senator, Senator elect, Representative, Representative elect, Delegate, Delegate elect, and Resident Commissioner, the Secretary of the Senate, and the Clerk of the House of Representatives shall have the privilege of sending free through the mails, under his respective frank, any mail matter to any Government official, and correspondence not exceeding 4 ounces in weight to any person, upon official or departmental business.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 3, after the figures "67," insert "Par. 1."

Mr. MANN. Is that to be another paragraph?

Mr. BARNHART. Well, there should be two paragraphs, and the purpose is this, if I may be permitted to explain it very briefly. The purpose of this is to limit the Member's privilege of sending documents after his term of office expires, but giving him the franking privilege for correspondence up until the following December.

Mr. MANN. That is the purpose of the amendment the gentleman proposes to offer afterwards?

Mr. BARNHART. Yes.

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 10, after the word "title," strike out all down to and including the word "office," in line 13.

Mr. MANN. Mr. Chairman, as far as I am personally concerned, I am not interested in the subject, because if I ever have the good luck to be defeated for election to Congress, I am out forever, and I will not be sorry for it. But ever since I have been a Member of the House—and I want to call the attention of the Members here, especially those on the Democratic side who are going out, and are going to stay out, to this proposition—we have always given to the Member of Congress who is defeated the franking privilege until the December following, and in addition to that, unless there was a special session of Congress, we have permitted him to control the documents to

his credit until the regular session of Congress convenes and his successor was sworn in.

Gentlemen who were here in the last Congress will remember that the Sixty-first Congress passed a resolution, in view of the special session of Congress which was to come, giving to the retiring Members the control of the documents until the next regular session of Congress. I remember that resolution very well. I opposed it when it passed, and immediately in the Sixty-second Congress I introduced a resolution, or aided in one, I have forgotten which now, rescinding the former resolution so that the Members who came in should have the documents; but where a new Member has not been sworn in I am inclined to think that the retiring Member is still entitled to control the documents to his credit in the folding room. Of course there is no way that you can provide by which the successor of a Member shall have those documents, because it is easy enough as long as the transfer system exists for the retiring Member during his term to transfer the documents which are to his credit in the folding room to some other Member who has been reelected. Now, I think the principle of charity should first begin at home. I am always in favor of the Members who are here, though I hope that there will be enough new Members in the next House to change the political complexion of the next House. [Applause on the Republican side.] Yet there is not a single Member, even on the Democratic side, whom I would not be glad if he should be returned. [Applause on the Democratic side.] I can not understand why we should deliberately say that these documents which we have to our credit in the folding room shall be taken away from us at the end of the term of office, while under existing law we have control of them until our successors are sworn in. Why should not we retain control of them? Most of the Members of the Congress who are defeated are prospective candidates in the future, and they will do just as much justice to the people in their districts in the distribution of documents as their successors will. They understand the plan, are familiar with the ropes; they may be here for some time closing up business, and their successors do not come in until the following December. Why should these documents be taken away from the retiring Member and given to the Member who has never in all probability seen Washington, knows nothing about the folding room, and who is not familiar with the practice of the House? I am in favor of taking care of the Member who is retiring and letting him do as he now does, have the right to distribute documents to his credit until his successor appears in Washington and takes his seat. [Applause.]

Mr. BARNHART. Mr. Chairman, the argument made by the gentleman from Illinois [Mr. MANN] was really all destroyed by the adoption this morning of an amendment to a previous section providing that the documents belonging to the district of a Member and that are not sent out at the expiration of his term of office shall revert to the superintendent of documents.

Now, under those conditions, and if the provision in the bill which is contained in section 68 prevails, that hereafter the distribution of documents shall be by a valuation plan, there would not be a single document available for a man whose term of office had expired. Then, why continue the franking privilege of a Member of the House if he has no documents to send out? It simply makes the law clear, if we are going to adopt it—and I take it that we are, because the gentleman from Illinois himself agreed to an amendment this morning without protest when we withdrew the amendment offered by him to my substitute and which was unanimously adopted by the House, providing that the documents belonging to a district shall cease to be controlled by a Member of Congress after his term of office has expired. And therefore, gentlemen, the argument of the gentleman from Illinois that this privilege ought to prevail seems to me far-fetched. But this language will provide, when the section is perfected, that a Member of Congress may have the franking privilege for correspondence until the following 1st day of December, but not for documents.

Mr. GOOD. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. GOOD. There would be nothing to prevent a Member from withdrawing the documents he may want to send out just before his term of office expires and then send them out during the next few weeks if this amendment should prevail, would there?

Mr. BARNHART. What amendment?

Mr. GOOD. The amendment to which the gentleman is talking.

Mr. BARNHART. He has not offered an amendment, as I understand it. He simply talked to a pro forma amendment.

Mr. MANN. Under the gentleman's amendment, as I understand it, if a Member of Congress who is retiring draws docu-

ments out of the folding room on the 3d of March, he will not be permitted on the 5th of March to frank them out to anyone.

Mr. BARNHART. That is the present understanding, for the reason that we have already adopted a provision that these documents are not for the Member of Congress. I do not agree with the gentleman from Illinois that when my term of office expires that the privilege should be continued to me of distributing documents in a district for which another Representative has been elected. But I may be mistaken about it. However, if this valuation plan prevails, then the Member of Congress will have nothing to distribute and will have no use for the franking privilege, because we have already provided that all documents to the credit of his district at the expiration of his term shall revert to the superintendent of documents.

Mr. MANN. Mr. Chairman, just a word. The argument of the gentleman from Indiana falls to the ground when it is understood. Under the valuation plan, if that be adopted, a Member of the House will be entitled to a certain credit under the bill, viz, \$1,800, which he may draw out in public documents, but he can not draw out any document after his term has expired. If he has a credit balance on the 3d of March, as he is going out of office, he may draw out those documents, but under the amendment of the gentleman from Indiana now proposed, he can not mail them out under a frank after the 3d of March. Now, I take it, that Members of Congress often have a considerable credit balance as they are retiring, which their successor will not get the benefit of, and which the district will not get the benefit of, unless they draw the documents out from the superintendent of documents and mail them to their districts.

Mr. BARNHART. Just by word of explanation, as it might clear the situation, by a slip of the tongue I said the documents would revert at the expiration of the Member's term to the superintendent of documents. I should have said the amendment provides that they shall go to a Member's successor and be to his credit.

Mr. MANN. And that does not apply to the valuation scheme at all, does it?

Mr. BARNHART. No; not to the valuation scheme.

Mr. MANN. The gentleman did not answer the argument I made a while ago, but undertook to say that this proposition was affected by the valuation scheme. I am now answering him. Under the valuation scheme a credit to a Member on his retirement does not inure to the benefit of his successor, and if the valuation scheme be adopted a Member of Congress should have the right, as he is going out of office, to exhaust his credit in the taking of Government publications of value to his district and sending them out under his frank, which you can not do if this amendment be agreed to.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARNHART. Does not the gentleman from Illinois think that four months from the date of election, when a Member has been defeated or when he knows he is going to retire from Congress, is sufficient time for him to get these documents all out, if he sees fit to do so?

Mr. MANN. It might be sufficient for the gentleman from Indiana, although I would not class him with the lazy Members of Congress; but for those of us who are really busy we have enough to do at the short session of Congress without putting in the time sending out public documents. And if we are to have the opportunity of drawing them out just before the term expires and sending them out during the next few weeks, we will have plenty of time after we are retired and our successors are sworn in. [Applause.]

The CHAIRMAN. The question is on the amendment.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 54.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 74, line 13, at the beginning of the line insert the words "Sec. 67. Par. 2."

Mr. BARNHART. Mr. Chairman, I would have that inserted after the word "office," in line 13, instead of at the beginning.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 74, line 13, after the word "office," insert "Sec. 67. Par. 2."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Now, Mr. Chairman, I withdraw the other amendment that I sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the amendment sent to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 68. PAR. 1. The Vice President and each Senator shall be entitled to order of the superintendent of documents such Government publications for free public distribution as are authorized by this section to the value of not to exceed \$2,200 annually, and each Representative, Delegate, and Resident Commissioner shall be entitled to likewise order Government publications to the value of not to exceed \$1,800 annually: *Provided*, That the superintendent of documents shall, on the 1st day of July, 1914, credit the Vice President and each Senator with Government publications, as provided in this section, to the value of not to exceed \$1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the value of not to exceed \$1,200, and, on the 4th day of March of each succeeding year the superintendent of documents shall credit the valuation account of each person entitled thereto with the annual amount as herein authorized; but no such valuation accounts or credits shall be available or used for any other publication, purpose, or person than as authorized by this section, and they shall not be subject to transfer or assignment from one person to another, or in any wise held to be a personal asset of the individual in whose name such accounts or credits may be recorded: *Provided further*, That the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter: *Provided further*, That, in event of a vacancy in any position designated in this act as entitled to a valuation account or quota of Government publications, the valuation amount of documents remaining to the credit of the person who held such position shall go to the credit of his successor, as provided for herein: *Provided further*, That the superintendent of documents shall distribute on the order of the Secretary and the Sergeant at Arms of the Senate, and the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, not to exceed 10 copies each of any publication printed for congressional valuation distribution: *Provided further*, That any person credited with a valuation account or quota of Government publications, as provided for in this act, or any employee or agent of such person, or any officer or employee of Congress or either House thereof, who shall sell or dispose of for gain or profit and publications obtained either directly or indirectly under the provisions of this section, shall be fined not more than \$1,000: *Provided further*, That the superintendent of documents shall not supply publications on any valuation account in excess of the amount lawfully credited to the person having such an account with him; the superintendent of documents shall not sell, charge to any valuation account, or otherwise dispose of any publication in his charge, except as authorized by law, at less than the price fixed therefor by the Public Printer; and if the Public Printer, the superintendent of documents, or any other officer or employee of the Government Printing Office shall permit or knowingly be party to any evasion or violation of this act, whereby the Government shall suffer any loss or damage therefrom, he shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. BARNHART. Mr. Chairman, I desire to offer some amendments to perfect the provision as to dates.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 75, line 3, after the word "publications," insert "for free public distribution, as authorized by this section."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. What is the effect of that? A Member can not get a document at all unless it is printed for free distribution?

Mr. BARNHART. Oh, no.

Mr. MANN. Is not that the effect?

Mr. BARNHART. The language here simply harmonizes with that on the previous page, relating to Senators and the Vice President. The gentleman will see that, beginning with section 68, paragraph 1. "The Vice President and each Senator shall be entitled to order of the superintendent of documents such Government publications for free public distribution," and so forth, and on page 75, line 2, we have used the word "likewise." To make it perfectly clear, after the word "publications," we have inserted the same qualification that is inserted on the previous page.

Mr. MANN. Very well.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 75, line 4, after the word "that," strike out the language down to and including the word "and," in line 11, which is as follows: "That the superintendent of documents shall, on the 1st day of July, 1914, credit the Vice President and each Senator with Government publications, as provided in this section, to the value of not so exceed

\$1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the value of not to exceed \$1,200, and."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. How will that make the section read?

Mr. BARNHART. The section will read then, "Provided, That on the 4th day of March of each succeeding year."

By way of explanation I may say that when the bill was first introduced it was thought it might be possible to enact it in time for it to take effect on the 1st of last July. This simply corrects the date so as to make it at the expiration of the Member's term, whereas the provision of the bill as drafted would have carried it from the 1st of July to the 4th of next March, and that being unnecessary we propose to strike it out.

Mr. MANN. Why not make it read "1915"? It is certain this bill will not become a law much in advance of July 1, 1915. It ought to commence with the fiscal year.

Mr. BARNHART. I submit, Mr. Chairman, it ought to commence with the term of Congress. It has nothing to do with the fiscal year.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 75, line 11 after the word "March," insert a comma and the words "1915 and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I offer an amendment to strike out the proviso commencing on line 20 of page 75.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 75, line 20, strike out the following: "Provided further, That the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter."

Mr. MANN. Mr. Chairman, if the valuation plan is to be adopted, it ought to be adopted in such a way as that the rights of Members of Congress are fairly conserved. I suppose there should be some restriction as to the length of time it is allowed to stand. But it seems to me very harsh, indeed, to say that if the valuation plan is to be adopted the Member of Congress with a credit of \$1,800 the first year he is here can not allow that credit to run for the second year he is here. Of course, the result of this proposition, if it goes into law, is to make the House Office Building a storage warehouse for documents. A Member of Congress, before he gets "dry behind the ears" in Congress, if we do not have an extra session, will be called upon to draw out all his public documents to the value of \$1,800 or lose credit for them. What will he do? He will draw them out and store them in his office, and it will make a demand on the Government to rent more room or build more buildings or give him more office room, so that he can store these documents. Ordinarily a Member of Congress, newly elected, does not take his seat until December, more than a year after his election. He commences to draw his pay from the 4th day of March. He does not have the same facilities during that time, during the vacation period, for sending out documents that he will have after he comes here; and yet it is proposed to require him to draw out all of his documents for that year before the 3d of March following his taking his seat on the first Monday in December. The credit can not run over during his second year. At the very time, to speak plainly, when he has a campaign on for renomination or reelection he is not permitted to use these documents which are to his credit unless he has drawn them out and stored them somewhere.

Now, I do not see any excuse for such a proposition. There is no sense in it. There is no reason for it. It will add to the expense of the Government. It will add to the annoyance of Members of Congress. It will add to the demands for more room, and it will not accomplish a single good thing. So I have moved to strike that out.

Mr. BARNHART. Mr. Chairman, I want to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] is recognized.

Mr. BARNHART. First of all, Mr. Chairman, I want to offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Indiana offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 75, line 21, after the word "lapse," strike out "on the 1st day of March of each year" and insert "at the end of each Congress."

Mr. BARNHART. Mr. Chairman, this, in substance, was the position of the House members of the Joint Committee on Printing; but inasmuch as the terms of the Senators expire only once in six years, it was thought best and it was agreed that it would be well to terminate this allotment each year. The same argument was made to the committee by myself that the gentleman from Illinois [Mr. MANN] has just made, of the possibility of a Member not getting in. But the fact is, now that the gentleman from Illinois [Mr. MANN] has shot a hole in the proposition of having the privilege of Members to send out documents terminated when their term of office expires, it is very important that an amendment of this kind be adopted, I think, because under the provision that has already been adopted as to the documents that are now accredited to Members, and will be accredited to them—but not under the valuation plan—it will be necessary that this terminate at the end of a term, rather than at the end of the year, and I hope that my amendment to the gentleman's amendment will prevail.

Mr. STAFFORD. Mr. Chairman, I am in sympathy with the proposed valuation scheme, but I am not in sympathy with this proposed punishment of Members, to compel them to utilize their publications either within a year or within one term of Congress. All of us who have had any experience here know that the demand for publications varies; and if you are going to establish a certain unit of standard to which every Member shall be entitled in the matter of publications, he ought, so long as he remains in Congress, to have the privilege of utilizing that amount of publications, whether he sees fit to distribute them in one year, two years, or four years.

I further agree with the chairman of the Committee on Printing [Mr. BARNHART] that this privilege ought to terminate when the Member goes out of Congress, and that it should not be continued beyond that time; that it should not continue until the December following his retirement. I can speak personally on that question, because I was out of Congress for one term, and when I was out I was giving my attention to the practice of law, and I did not wish to be bothered with requests for documents. Fortunately for me, there was an extra session called within a few days after my retirement, which resulted in my successor receiving all such inquiries.

But I can not see any reason, except you wish to punish Members, in compelling them to utilize their allowance within the term of a Congress. For instance, suppose just a month or two before the close of a term of Congress a certain publication is issued—for instance, the Agricultural Yearbook. It does not so happen, but you can not tell when that publication may be issued and be available to the Members. Supposing 1,800 Agricultural Yearbooks should be credited to a Member in February, 1915. He would then necessarily be compelled right then and there to withdraw those publications by March 4 or else lose the right.

Mr. TAVENNER. I am afraid the gentleman misunderstands this bill, because there will not be any of those documents credited to the Member at all unless he asks that they be.

Mr. STAFFORD. Oh, I do not misunderstand the bill. I will say to the gentleman. I gave some consideration to this bill when it was under consideration in the Senate two years ago. Now, suppose we are holding back our allowance for the purpose of getting Agricultural Yearbooks and they are published in February, 1915.

Mr. LOBECK. As a matter of fact, they are published in June.

Mr. STAFFORD. It is a supposititious case; but it is applicable to any other case. We would be obliged to exercise our allowance entirely within that one month, or within two weeks, in order to get those Agricultural Yearbooks, and in order to do that we would have to store them in our offices or in our attics.

Mr. BARNHART. I am sure the gentleman is not clear in his statement to the House, for this reason: There will not be any possibility for an allowance of 1,800 yearbooks in February of any year, because under this plan the Member, immediately when he comes to Congress—

Mr. STAFFORD. There is an allowance of \$1,800, and he can have an allowance of 2,100 copies of the yearbook if he wishes to use his allowance for that purpose exclusively.

Mr. BARNHART. He can have them at any time after he comes into Congress.

Mr. STAFFORD. He will not be able to utilize his \$1,800 allowance for agricultural yearbooks, which he may wish especially for his district if they are published late in February, 1915, unless he utilizes his allowance then and there; and if he

does not do it his allowance of \$1,800, or so much of that allowance as he wishes to use for agricultural yearbooks, will lapse. It is unreasonable. It is only making it inconvenient for Members of Congress. It is all right to limit this allowance and make a Member exercise it before the expiration of his service in Congress, but it is not right to compel a Member to lose his allowance every two years unless he exercises it at that term.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HUMPHREY of Washington. I object.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. BARNHART] is entitled to recognition on that.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present, and the Chair will count. [After counting.] Eighty-seven Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

Adamson	Fordney	Konop	Rucker
Allen	Frear	Korby	Sabath
Anthony	French	Lazaro	Scully
Aswell	Gardner	L'Engle	Sells
Austin	Garrett, Tex.	Lewis, Md.	Sherley
Baker	George	Lewis, Pa.	Sims
Bartlett	Gerry	Lindquist	Sisson
Bathrick	Gillett	Linthicum	Slomp
Bell, Cal.	Godwin, N. C.	Loft	Small
Blackmon	Goldfogle	McClellan	Smith, Md.
Borland	Goodwin, Ark.	McGulre, Okla.	Smith, Saml. W.
Broussard	Graham, Pa.	McKellar	Smith, Minn.
Brown, N. Y.	Gregg	Maher	Smith, N. Y.
Brown, W. Va.	Griest	Martin	Smith, Tex.
Browning	Griffin	Merritt	Stephens, Miss.
Buchanan, Tex.	Guernsey	Metz	Stephens, Tex.
Burke, Pa.	Hamill	Moore	Stevens, N. H.
Calder	Hamilton, N. Y.	Morin	Stringer
Candler, Miss.	Hardwick	Mott	Summers
Carlin	Harris	Mulkey	Sutherland
Carr	Hayes	Murdock	Taggart
Church	Heflin	Murray, Okla.	Talbot, Md.
Clancy	Henry	Neely, W. Va.	Taylor, Ark.
Clark, Fla.	Hensley	Nelson	Ten Eyck
Coady	Hinebaugh	Oglesby	Thacher
Connolly, Iowa	Hobbs	O'Hair	Thompson, Okla.
Conry	Houston	Oldfield	Towner
Covington	Howard	O'Leary	Townsend
Crisp	Hoxworth	O'Shaunessy	Treadway
Davis	Hughes, Ga.	Palmer	Tribble
Dooling	Hughes, W. Va.	Parker	Tuttle
Doughton	Humphreys, Miss.	Patten, N. Y.	Vare
Driscoll	Jacoway	Payne	Vaughan
Drukker	Johnson, S. C.	Peters	Walker
Dunn	Johnson, Utah	Plumley	Walsh
Eagle	Jones	Porter	Watkins
Edmonds	Keister	Pou	Whaley
Elder	Kennedy, Conn.	Powers	Whitacre
Estopinal	Kent	Prouty	Wilson, N. Y.
Fairchild	Key, Ohio	Quin	Woodruff
Faison	Kindel	Rainey	Woods
Finley	Kinkaid, N. J.	Rauch	
Fitzgerald	Kitchin	Riordan	
Flood, Va.	Knowland, J. R.	Rothermel	

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 15902, the codification of the printing laws, finding itself without a quorum, had caused the roll to be called, and 258 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I want to seriously call your attention to the mistake you will make if you vote for an amendment to this bill providing that credit to a Member of Congress under the valuation plan shall continue to him after his term of office has expired, for this reason: Under the valuation plan a Member is entitled to \$1,800 worth of documents a year. If that Member should serve 10 years and should be a designing Member he could accumulate \$1,800 worth of these documents each year by not distributing them, and at the end of 10 years, with the credit cumulative, he could draw out those documents, \$18,000 worth, and use them for his own personal distribution after his term of office expired. It may be right, but I doubt seriously if such a plan is fair to the American people. They are entitled to these documents as they are published, and it is not fair that a Member of Congress should have the privilege of denying to his district the use of those documents until he goes out and then draw out the enormous amount of them and broadcast them for his own purpose.

Mr. GOOD. How much would documents be worth at the end of 10 years?

Mr. BARNHART. Oh, he could draw out documents that are of current publication; he would not have to take old documents.

Mr. BUTLER. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BUTLER. Is it possible that a Member of Congress would be so low and mean as to sell public documents? Has the gentleman every heard of such a case?

Mr. BARNHART. I did not say that he would sell them.

Mr. BUTLER. Or turn them into profit for himself.

Mr. BARNHART. I said he could let them accumulate to the extent of \$10,000 if he served for 10 years and failed to draw out \$1,000 worth each year, and then under the resolution that was put through a while ago distribute them after his term of office expired, and that would not be right.

Mr. BUTLER. No; that would not be right.

Mr. MANN. The gentleman from Indiana knows that he is mistaken about that proposition. He could not use them after the term of office expired.

Mr. BARNHART. Why not, under the amendment that the gentleman from Illinois had adopted, providing that he should have the franking privilege after the expiration of his term until the following December? He would have from the expiration of his term of office to the following December to distribute the books, if he saw fit.

Mr. MANN. Unless he saw fit to draw them out before, and he could do that under the gentleman's scheme.

Mr. BARNHART. If it is provided at the end of two years that his right to those documents shall lapse, then he would not have any privilege of accumulating such an enormous amount of documents and denying his district the use of them.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. TALCOTT of New York. Under your rule is it not probable that one district might get its full share and another district not get its full share?

Mr. BARNHART. Why, not at all. Each district will get the same allotment.

Mr. TALCOTT of New York. It will get the same allotment, but if they are not drawn they will not get the same measure.

Mr. BARNHART. On that theory I would say that nobody should be responsible for a Member of Congress not attending to his duty.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CLINE. I want to inquire the theory on which this valuation proceeds—if it is that the documents shall return to the document room at the end of the term of a Member?

Mr. BARNHART. Not the documents. Under this provision under consideration now they will continue to his successor. However, we are talking now about the documents that will be on hand credited to Members under the present plan on the 4th of March next.

Mr. CLINE. If they are credited to me, suppose I do not draw them out the 4th of March next, then they go back to the general stock, do they not?

Mr. BARNHART. No; at the end of your term of service.

Mr. CLINE. If they belong to the district, why do you not provide that my successor shall have these documents?

Mr. BARNHART. Because the gentleman's successor will have an allotment of \$1,800 the moment he comes to Congress.

Mr. CLINE. But the district ought to have these that I have not drawn out.

Mr. BARNHART. I do not know whether Congress ought to provide against inactivity of Members or not.

Mr. CLINE. Congress ought to provide for the district and not for the Member.

Mr. TALCOTT of New York. That is the point.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GOULDEN. Is it not a fact that the Members draw pretty close up to the full quota of their documents?

Mr. BARNHART. Mr. Chairman, I will answer that by saying that these car barns at the foot of the hill are rented each year at a cost to the Government of \$4,000, and how many car loads of documents are in there credited to Members of Congress I do not know. I do know that in addition to that storehouse there are other storehouses about here and in the terraces of the Capitol that are filled to overflowing with documents credited to Members that are yellow with age. They are obsolete as to date, and the Government has paid for them. It has paid as much as 8 cents a pound in addition to the printing and binding for the paper, and they are to be taken out of there from time to time now, cut up, and sold as junk at about eight-tenths of a

cent a pound, and that is the waste that we are trying to avoid.

Mr. GOULDEN. Does not the gentleman believe that much of that truck was useless when it was published originally?

Mr. BARNHART. Yes.

Mr. GOULDEN. And that the gentleman's committee should guard against such publication?

Mr. BARNHART. I want to submit that we are now seeking authorization of law to stop that very thing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. STAFFORD. In the gentleman's prefatory remarks he stated that this would result in a Member accumulating his allowances and thereby sending out obsolete documents.

Mr. BARNHART. I did not say that. I said that he might.

Mr. STAFFORD. He might send out obsolete documents, conveying the impression that the Members would be privileged to send out old documents. I want to ask whether in a subsequent section of the bill there is not a provision which forbids the printing of any public document after two years of its publication except upon approval of the Joint Committee on Printing?

Mr. BARNHART. That was corrected all right.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, this is a matter which is wholly nonpolitical and affects in the main only the convenience of the Members of Congress and the rights of constituents. I do not know whether all Members are familiar with what is called the valuation scheme that is carried in this bill. It is proposed to change the existing law under which documents which are printed are printed in a fixed number and a certain quota allotted to each Member of Congress going into the folding rooms of the two Houses. The proposition is that each Member of the House shall have a credit with what is called the superintendent of documents at the Government Printing Office of \$1,800 each year, and that he may draw against that credit any documents which are printed under this congressional distribution plan. You could draw \$1,800 worth of Yearbooks or \$1,800 worth of horse books or \$1,800 in one publication, or any such number as you please, the total not to exceed \$1,800 worth. I am neither advocating nor opposing that proposition at the present time, but endeavoring to perfect it, so that if the valuation scheme shall be agreed to as proposed by this section it shall be agreed to on terms which are reasonably convenient for Members of the House. It should be borne in mind, first, that this credit is not assignable; it can not be transferred; it can not be sold. It can only be used by the Member himself officially. The bill provides that the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter. I have moved to strike out that provision, and the gentleman from Indiana [Mr. BARNHART] has offered an amendment which I think ought to be agreed to, making the ending of the valuation once in two years instead of once a year. I shall vote for the amendment of the gentleman from Indiana to perfect the text, and then vote to strike out the proviso entirely. I shall vote to perfect the text because, if it is to stay in, it is much better with the amendment than without; but I think it ought to go out entirely, and I will admit that there ought to be some limitation upon the length of time or the amount of money, if the scheme is to be adopted, which a single Member of Congress may have to his credit. But what will be the result of adopting even the proposition of the gentleman from Indiana? I have to my credit \$1,800 a year, and in two years I have \$3,600.

The law provides under this proposition that at the end of two years that credit ceases. What do I do on the 3d of March, just before the credit ends? If I am reelected to Congress, what will I do? Lose the credit? Why, not unless I am a foolish man. If you had money to your credit in bank, and you could not check against it after the 3d of March, what would you do on the 3d of March? Why draw it all out. But if you had the money you could use it very handily; but if you buy the public documents, what would you do with them? Store them over in your office building. There is no escape from the proposition, and then you have these old documents stored away there instead of having—

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. I will yield, although I would like to make an intelligible statement to the House.

Mr. BARNHART. I know the gentleman would not intentionally misrepresent the facts.

Mr. MANN. I do not either intentionally or unintentionally misrepresent the facts.

Mr. BARNHART. The fact is the folding rooms in the Capitol are continued for that very purpose of not depriving Members of what are due them at the expiration of their terms or compelling them to take the publications to their offices. That is one of the purposes of continuing these folding rooms.

Mr. MANN. Well, Mr. Chairman, I am glad to hear the gentleman make that statement. He has been urging all the time that the folding rooms should be abolished, and the whole valuation scheme contemplated the abolishment of the folding rooms of the House and the Senate. If the folding rooms be continued, then what will the Member do if his valuation must end at the end of two years? He will draw them from the superintendent of documents and transfer them to the folding rooms. That is what he will do. How does the Government gain anything by that? What difference does it make to the Government whether documents have been printed and placed in the folding room or whether the Member is entitled to them for printing in the future as he asks for them? Certainly the Government does not gain anything in the requirement that the Member shall ask the printing be done and transfer his documents to the folding room. The whole valuation scheme is upon the theory that Members will choose the documents as they come out which are most demanded in their districts down to date and use their credit in the sending of documents into their districts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes additional.

Mr. MANN. I do not think I shall use that much.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, I represent a city district—

Mr. BARNHART. Would the gentleman yield once more?

Mr. MANN. Certainly.

Mr. BARNHART. I know the gentleman does not want to misrepresent—

Mr. MANN. I do not misrepresent.

Mr. BARNHART. Well, when the gentleman says I have favored the abolishment of these folding rooms I want to submit that the bill as it came from the Senate contained that provision, and I stood up for the present provision of the bill going in.

Mr. MANN. I never repeat a private conversation, and hence I will not repeat any I have had with the gentleman. The whole theory of this bill contemplates the abolishment of the folding room, but that is a matter purely of argument. If it be true that the folding room is to be continued, then my argument is that much stronger, because there is no reason for taking the credit away from a member of the office of the superintendent of documents in order to compel him to order documents and transfer them to the folding room of the House.

Mr. BUTLER. Will the gentleman yield?

Mr. MANN. I do.

Mr. BUTLER. I would like very much to have the privilege of selecting the publications which my constituents would like to have, and I would not like to lose credit at the end of two years, and I would like to leave that to my successor the same as to leave documents to my successor. If that plan could be worked out, I think it would be convenient and useful to my constituents if I can have a credit of \$1,800 to obtain documents instead of being put to the trouble of trading around continually with Members of the House.

Mr. MANN. Under this scheme you can not.

Mr. BUTLER. I understand so.

Mr. MANN. I represent a city district that is wholly within the limits of the city of Chicago, although a portion of it is in a way agricultural. I get my quota of books and send them out in the main; sometimes I give some Member a few and sometimes get some transferred to me, but I use my documents in the main; but the greatest demand in my district for documents is for publications of the Smithsonian Institution or the National Museum or the American Historical Society or the National Academy of Sciences, or something of that sort, such publications constantly being demanded, especially by people connected with the University of Chicago, which is in my district. Now, I will not let those lapse. The Smithsonian Institution may issue a publication just after the 3d of March. Why should I not be permitted to draw out my quota of that, even if I have held it over for six months for that purpose? Who is hurt by it? The Government does not gain anything by it. Now, instead of leaving my quota with the superintendent of documents I will draw out, and any other Member will, documents sufficient to use up my quota or my credit there and keep them on deposit. The

Democrats of this House have been very kind to me as minority leader, the officials, and have provided me with a storeroom in the Capitol, apart from my office, where I have a good many things stored. Well, I do not know how long I will be minority leader or a Member of the House, but I would find some place to store those documents in justice to my district rather than let my credit lapse. Now, it may be proper to provide in some way so a man does not accumulate a credit of \$10,000 or anything like that, but you get these documents in the main for the benefit of the constituents of your district, and there is no reason, there is no economy in taking away the right which we have now and letting this credit balance lapse at the end of our term of office.

If Members desire to cut off their own noses, they have that privilege, though I do not think it will add anything to their beauty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last two words in order to ask the chairman of the committee a question. I would like to ask if in the distribution of the allowance for publications to be circulated whether there is any difference in the various districts in regard to the population, or whether each district gets the same amount?

Mr. BARNHART. Each district under the plan would get the same amount.

Mr. BUCHANAN of Illinois. That does not seem to me like a fair proposition. For instance, I have probably 400,000 population in my district, and there are other districts that probably have not 200,000 population. The distribution of publications of this kind ought to have some consideration for the population.

Mr. STAFFORD. Will the gentleman yield?

Mr. BUTLER. The documents are always distributed equally, I think.

Mr. BARNHART. If the chairman of the committee were selfish, he would report according to the idea of the gentleman from Illinois, from the fact that he has a quarter of a million people in his own district, but the plan has always been to issue for the use of each Member of Congress an equal number of public documents. If the legislatures of the several States make mistakes in giving to a Congressman a population greater than the number ought to be, it should be no fault of the committee nor the Congress.

Mr. BUCHANAN of Illinois. It would not be the fault of the people of those districts, would it, to have one district, a small one, have more than they need, and a district having a large population not have enough?

Mr. BARNHART. The law would have to be revised then every time there was an increase or decrease of population in the district.

Mr. BUCHANAN of Illinois. It seems to me as if it ought to be framed so that there would be so much per capita.

Mr. BARNHART. It is not the way now, and to do that would probably precipitate a great controversy.

Mr. BUCHANAN of Illinois. What we should try to determine is to distribute these to the best interests of the people and not to the interest of the Members of Congress.

Mr. BARNHART. Certainly.

Mr. BUCHANAN of Illinois. They ought to be put in the hands of the people who would be interested in them, and who would be profited by them, and not merely sent out to satisfy the Members of Congress.

Mr. BARNHART. After all, this duty is in the keeping of the Congressman or Senator. If he neglects to comply with the people's wants and their interests in the matter of documents, it is the fault of this people's servant and not of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN], as amended by the amendment of the gentleman from Indiana [Mr. BARNHART].

Mr. MANN. Not as amended. My amendment is to strike out.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to strike out the proviso.

Mr. BARNHART. Mr. Chairman, is the time for debate on this amendment exhausted?

The CHAIRMAN. The time for debate is exhausted. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BARNHART. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 42.

Mr. BARNHART. Mr. Chairman, I demand tellers. This is a most important feature of this bill.

Tellers were ordered, and Mr. BARNHART and Mr. MANN took their places as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 29.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa [Mr. Good] moves to strike out the paragraph.

Mr. GOOD. Mr. Chairman, I recognize that the present arrangement in regard to the distribution of public documents is not satisfactory, and yet an examination of the publication which is circulated in support of this provision convinces me that this valuation scheme is largely of a tempest in a teapot after all. The large item of expense in the printing of all public documents is the \$470,000 expended for the publication of Agricultural Yearbooks. That comprises over one-half of the total expense, as computed in this publication for all the publications that are placed to the Members' credit. During this Congress and in the last Congress, too, we debated day after day with regard to the question of mileage of Members. That question became a campaign issue in many of the congressional districts throughout the country. The question of the allowance to Members for clerk hire was another item that required considerable discussion, and it has become an issue in certain campaigns throughout the country. We have also an allowance for stationery, and that question comes up for discussion.

Mr. GOULDEN. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GOULDEN. What was the cost figured by the Government for these Yearbooks?

Mr. GOOD. The total cost as I get it here is \$1 each.

Mr. GOULDEN. Thank you.

Mr. GOOD. And now we have proposed that there shall be given to each Member of Congress \$1,800 worth of publications annually, and in every appropriation bill that comes before Congress appropriating money for these publications there will be Members asking to raise the limit and Members asking to lower the limit, and the fact that an allowance of \$1,800 worth of publications is allowed each Member annually will become an issue in many campaigns.

Again, suppose a Member living in an agricultural district takes his entire quota in agricultural books and sends them to the farmers throughout his district. He exhausts his quota, but farmers keep writing to him for more agricultural yearbooks, and what is he going to do? He can not say his quota is exhausted very well, because the farmers will come back and say, "You have an allowance of \$1,800. All I am asking for is one book." The Member will have to buy the book and send it to him. And so on all down the line. I know there are a good many publications that Members do not use, but there are but few of them published and the cost to the Government is not a very considerable item. Take these reports on water surveys, and things of that kind, and a great many of them should not be published at all. They should not be placed to the credit of Members. The Government should save that money and not publish them at all, or if published distributed by the department publishing them. But, after all, when you consider the total cost it is inconsequential compared with the cost of publishing Agricultural Yearbooks and things of that kind. The publications that are valuable cost money; the valuable publications are sent out, and every district wants them.

Now, I agree that there is some cause for complaint about the present system.

At first blush I was inclined to think that this method of valuation was a good solution of the question, but the more I study this proposition, the more strongly I become convinced that we are adopting something here that will rise up and plague every Member of Congress in the future. It is a serious proposition. It is a great departure from the present method, and we ought not to be adopting these measures that are going to commercialize the seats of Members of Congress without Members knowing what they are doing. I do not believe that Members of Congress ought to be simply distributing public documents and be errand boys for the respective district, anyway. These documents ought to be largely distributed by some one else. Some other Government agency or officer ought to send out these publications. But when you put them to the credit of Members it is the Member's duty to send them out to his con-

stituents. In my opinion, the adoption of this plan will increase the expense to the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TAVENNER and Mr. LEVY rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois [Mr. TAVENNER], a member of the committee.

Mr. TAVENNER. Mr. Chairman, I desire to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] moves to strike out the last two words.

Mr. TAVENNER. In answer to the point that if a Member of Congress went ahead at the beginning of his term and completely exhausted his credit by sending out \$1,800 worth of Yearbooks under this valuation system that some of his constituents who had not received copies might write in and complain because they had not received one of the books, and would say that the Member had \$1,800 worth of books to his credit and that they were not being treated fairly; it is only fair to say that the same condition might arise under the present system. A member now gets about 800 copies of the Yearbook, and if as soon as they are placed to his credit he should send them all out, without waiting for legitimate requests, constituents could write in to their Member and make the same complaint.

Under this valuation system the proposition is to place to the credit of each Member for his constituents \$1,800 worth of documents each year. I can not see why any Member of Congress should oppose this proposition, because it is in the interest of Members of Congress and in the interest of their constituents. Under the present system about one-third of the documents that go to the credit of each Member are of no value whatever to him or his constituents, and they are ultimately sold as junk.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. TAVENNER. Yes.

Mr. JOHNSON of Washington. Does not the gentleman believe that the agricultural papers and the school journals will publish the fact that a Congressman has \$1,800 to his credit per year, and that the people will at once write in, and it will be impossible for the Representative to say that his quota is exhausted, and if he does send out all the books that are first called for he can not comply with later demands, nor will he be able to hold a reserve, whereas one may truthfully and correctly say that his quota of this or that particular document is exhausted?

Mr. TAVENNER. If persons desiring to actually use Government publications write in to their Members for these documents and we send them to them, it is the best possible use we can make of them. As it is now, we send them out to anybody, indiscriminately, because we do not know exactly who desires them. If this provision results in supplying Government publications to the people who want them and will really make use of them, then the plan will have worked out as it was hoped it might work out.

Mr. PADGETT. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. TAVENNER. Yes.

Mr. PADGETT. Suppose you are credited with \$1,800 worth of documents, and your quota is exhausted, and then suppose a man in your district sends you a list of books, comprising almost an entire library, that he wants you to send to him, what would you do?

Mr. TAVENNER. I will ask the gentleman what he would do under the present circumstances?

Mr. PADGETT. I would say they are not included in my quota. But if this provision is enacted, my constituent would say, "You have \$1,800 to your credit, and I want you to send me those books." Some fellow would simply want you to furnish him with a library, and you would have either to refuse him or to say, "I have got 10 counties in my district, and that is \$180 to a county," and the other man comes along and says, "That does not satisfy me. You have got \$1,800 to your credit. Buy me those books and charge them up to that credit."

Mr. TAVENNER. I would simply reply, in a case of that kind, that I have a great many other constituents and can not give too large a proportion of the documents accredited to my district to any one individual. I doubt whether that situation would arise very often. It does not now. I can not understand why 800 Yearbooks should be credited to a Member of Congress unless he wants them, or unless his constituents desire them, as it is the custom to do under the existing system. Under the valuation plan provided in this bill a Member can get

maps or Congressional Directories or books of interest to his particular district, and if he desires he can obtain for his constituents all of the documents he is receiving now and about \$100 worth in addition thereto. Therefore it seems to me that the proposed plan is better than the system now in vogue, to say nothing of the advantage that the Member will have of obtaining documents of use to his district and the economy that will result to the taxpayers.

Mr. CARY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. TAVENNER. I yield to the gentleman.

Mr. CARY. Will the gentleman explain to me how each and every Congressman is going to know how many of these different documents he can use, or how many will be used?

Mr. TAVENNER. We are "up against" the same proposition now with reference to the superintendent of documents.

Mr. CARY. There are thousands of them there, and we can not know how many we shall need.

Mr. TAVENNER. We now print a certain number of documents. As more are needed from time to time, reprints are ordered. The fact that a Member of Congress is going to make requests does not change the situation with regard to these documents at all, because the superintendent of documents himself does not know how many sales he will make, any more than he will know how many requests are going to come in from Members of Congress under this plan. This plan does not affect that proposition at all.

Mr. CARY. Suppose I get a certain request for a document, and I write to the department, and they say they have not got it, but they will make a reprint of it. They may ask, "How many do you want?" Does that save Government expense?

Mr. TAVENNER. It is the same as if a man would buy additional documents from the superintendent of documents now. It would not change that proposition at all. Not only can the Member of Congress under this valuation system get the particular documents he may desire for his particular district, but he can obtain two copies of any document that is printed and that the superintendent of public documents has in stock, the value of the same being charged to his account.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. TAVENNER. I do.

Mr. CARTER. Under this plan that you have in this bill, if I wanted \$1,800 worth of Yearbooks or horse books, I could take them?

Mr. TAVENNER. Yes.

Mr. CARTER. And any other Member could do the same thing?

Mr. TAVENNER. Yes.

Mr. CARTER. When they are exhausted, what will be done? Are reprints made?

Mr. TAVENNER. Yes; just the same as now. The superintendent of documents has to order reprints now when there is a sufficient demand.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVY. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] moves to strike out the last three words.

Mr. LEVY. Mr. Chairman, I am opposed to this section. It is difficult for me to conceive how you can convince your constituents that you receive \$1,800 worth of books and not \$1,800 in money. They will certainly credit you with receiving an additional \$1,800, and that, added on to your present salary, would make \$9,300. You will be unable to convince your constituents that you do not receive this value in actual money. And not alone that. While there is no doubt that our present system can be corrected to a great extent, it is of benefit to the people of the United States to distribute these, in many cases, valuable documents. We do not want to limit ourselves to the issue of any one publication. Suppose you devote the \$1,800 to one publication, how about the others, when your constituents write to you? You will have to go and buy them or trade for them, or something of that sort. It is a great mistake to insist upon this policy. I believe in striking out this section, because I imagine that the Members of Congress will have a great deal of trouble under this section. They will be harassed and blamed and charged with receiving the \$1,800 in money, and you can not convince some people but that this \$1,800 goes toward your salaries. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last four words.

Mr. MADDEN. I am afraid the Committee on Printing are starting a campaign issue that they will regret, if this section of the bill is adopted. It is said that Members can get any kind of a document they want, and that Members will call for only such documents as may be required by the people of their districts. Now, the people of the various districts usually want almost every document that is published. There is no district whose people are confined to a desire for any particular list of documents, and I take it that the adoption of this section of the bill will restrict the distribution of documents among the people of the United States. Suppose that every man here should request a sufficient number of Yearbooks to consume his allowance under this section, what would become of the other documents printed? Will it be said that the other documents would not be printed, and that the Government would save the cost of that printing because of the issue of Yearbooks? What would become of the agricultural bulletins, for example, about 22,000 of which are allowed to each Member every year?

Mr. BARNHART. The gentleman does not want to make a misstatement?

Mr. MADDEN. Under the present plan that is what we were allowed this year.

Mr. BARNHART. The number allotted to each Member is 12,500.

Mr. MADDEN. Well, then, 12,500, or whatever the number is. I will say to the gentleman that I usually send out more than 22,000. A Member would not be able to accommodate the people who want these bulletins, and the information contained in the agricultural bulletins is of such vast importance to the American people that their use ought not by any legislation to be restricted.

Mr. GOOD. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GOOD. This bill is bottomed on the supposition that publications like the Yearbook are not in demand by people living in the cities. The gentleman represents a city district, and I should like to know what his experience has been along that line?

Mr. MADDEN. My experience is that men and women living in the cities read with as much avidity as the men and women who live in the country, and that they are just as much interested in the activities of the Government as people who live on farms. The men and women in the cities are just as much interested in the development of agriculture as the farmers are, and every man living in a city who came from the country in the first instance hopes for the time when he can go back to the farm, and he wants to keep up his farm education, so that he may not be out of touch with the farm when the time comes that he can go there. [Applause.] Every man wants a Yearbook. Every man wants the bulletins. Every woman who keeps house wants a bulletin to tell her how to make bread, how to kill cockroaches, how to destroy rats, how to dispose of bed-bugs, how to raise mushrooms, how to make a flower garden in a place where there is no grass, how to beautify the home, and how to economize in the conduct of housekeeping. These bulletins are of vast importance to the people of America, and particularly to the people who live in the great cities.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. MADDEN. And above and beyond all in importance, the Agricultural Department prints a bulletin on how to feed and rear babies, and every man and woman in America is interested in that bulletin. [Applause.] Much information on how to bring up children and thereby produce a better citizenship for the future is to be obtained from the reading of these bulletins, and such information ought not to be restricted by the desire of any man who happens for the time being to occupy a place as chairman of a committee, wishing to place themselves in control of the issuance of documents beneficial to the people, but, on the contrary, every opportunity should be afforded Members to furnish the people of America with the information published by the departments of the Government. This Government belongs to the people. It is theirs. They are the Government. The Government is organized to do the will of the people. The people are not organized to do the will of the Government. And we, as the spokesmen for the people, ought to insist upon

preserving every right the people have, and one of the most important rights of the people is to be informed on the activities of the Government. There is only one way in which they can be truthfully informed, and that is by sending the Government documents that relate to the transactions of the Government, and thus furnish the information in connection with every one of those activities. I am in favor of striking out the section in the bill that limits by any degree the right of Members of the House to send information to the people, by means of which they can be kept posted on what is being done by their Government. [Applause.]

Mr. BARNHART. Mr. Chairman, I move to strike out enough words to obtain recognition. I do not know how many that will be.

The CHAIRMAN. The gentleman moves to strike out the last five words.

Mr. BARNHART. Mr. Chairman, the remarks just made by the gentleman from Illinois [Mr. MADDEN] corroborate the efforts of the committee in every particular to give the people of the districts the reading matter that they want, and not, as the present law provides, crowd upon them allotments that are of no use to them whatever. The gentleman from Illinois [Mr. MADDEN] says he receives more than 12,500 agricultural bulletins per year. If he has received more than that number per year for each year since he has been in Congress, he has violated the law.

Mr. MADDEN. I will continue to violate it if I get the chance, if that is what I do in sending out these bulletins.

Mr. BARNHART. If the valuation system be adopted, the gentleman from Illinois can have as many agricultural bulletins as he chooses to send out, so long as he keeps within \$1,800 per year; but under the present provisions the difficulty about the allotment of printing is that I have on my memorandum, given to me by the superintendent of the folding room from time to time, a vast accumulation of documents of no use to my district; for instance, bulletins from the Geological Survey, in which nobody scarcely in my district can possibly be interested. They are interested in other publications, and I would like to have the valuation plan, by which I may secure for my district the greatest number possible of those publications which the people desire, and not have a whole lot of publications which they can not possibly use.

Mr. CLINE. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CLINE. Suppose on the 4th of March, when you are required to make a selection, you select \$1,800 worth from the list. The next day or the next week you get a letter from a constituent asking for documents which inadvertently, perhaps, you had omitted to include in your list.

Mr. BARNHART. Oh, the gentleman misunderstands. He does not have to take the allotment on the 4th of March. He has the entire year. When he has an order from a constituent he will send it to the superintendent of documents, and it will be filled and be charged up against his allotment.

Mr. CARTER. You have until the 3d of March, at the end of the Member's term?

Mr. BARNHART. Yes; he will have until the end of his term.

Mr. PLATT. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. PLATT. Will a Member have to make return of this \$1,800 to the collector of internal revenue and pay an income tax on it? [Laughter.]

Mr. BARNHART. Mr. Chairman, I am perfectly willing to answer all intelligent questions, but there is nothing in the bill that provides that a dollar of this goes into the Member's pocket by which he can use it in any other way except in documents. A question of that kind could not possibly apply.

Mr. Chairman, the purpose of this provision in the bill is to save money to the Government. The Government, under the present plan, is wasting nearly a million dollars a year. It is wasting more than that in abuses other than Government printing, which I will not enumerate and with which a good many Members are familiar. We do a good many things as a matter of practice in the matter of the distribution of public documents that are not right. I do not know that it is anybody's fault, because when I first came to Congress I was notified that certain practices which were wrong were all right. For instance, I was told that I could have a set of farmers' bulletins bound for each farmers' institute in my district. I went to the Clerk, and he O. K'd my order. It was a violation of the law. I was only entitled to one binding per year. But it is a practice that has grown up until, as I said, a whole lot of things are being done that is precipitating waste on the taxpayers and dis-

commoding the people. The present system of distributing public documents is such that the people pay the money, but they do not get what they want, because the Members of Congress can not supply the district.

Mr. SHERLEY. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. SHERLEY. Why not do the practical and sensible thing and let the documents be distributed by the department that publishes them instead of using them as a means of re-electing ourselves, as is the practice now?

Mr. BARNHART. That is a pertinent question.

Mr. BARKLEY. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. BARKLEY. Is it not possible under this for a Member to select valuable books and use them for his library and his constituents never get the benefit of them?

Mr. BARNHART. I do not know how to answer that, but I think that the Congressman who took them from his constituents and appropriated them to his own use ought to be banished from Congress.

Mr. BARKLEY. Under the present system Members of Congress are entitled to a certain book, like the Indian Hand Book—

Mr. BARNHART. Each Congressman, by this bill, is entitled to two copies each year.

Mr. BARKLEY. And other books that his constituents might be interested in if he had copies of them.

Mr. BARNHART. This bill provides that he shall have two copies for his own use, and no more.

Mr. BARKLEY. I was asking for information. I would not look with approval or approbation on a provision that gave a Member an unlimited right to appropriate to his own use and build up his own library with publications of the Government that might work an injustice to his constituents.

Mr. BARNHART. I fully agree with the gentleman about that. The question at issue here is the allotment of documents for distribution.

Mr. BARKLEY. What is the value fixed on a Yearbook?

Mr. BARNHART. The committee does not fix the valuation.

Mr. BARKLEY. What may be estimated as its value?

Mr. BARNHART. This bill provides for the elimination of the annual report of the Secretary of Agriculture from the Yearbook. That will lessen the cost some. The cost of printing the Yearbook in such quantities and editions as it has heretofore been published has been from 60 cents to 92 cents. The committee believes that under the present plan, printing them in such editions as the Government Printer may provide for this distribution, if the plan prevails, that the edition will be large enough so that they can be printed for 50 cents a copy.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Indiana be extended five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, this is one of the most important features of this bill. The membership of the House ought to know about it. I would like to have the committee get the facts as clearly in mind as it is possible to do. Every Member of the House ought to have the benefit of all the information that is possible before he is asked to vote for the bill. Therefore I ask unanimous consent that we have, if so much time is required, 30 minutes on this proposition to discuss this matter, and the committee will try and answer all questions that may be asked. I think the Members ought to have ample time to determine this question and not be called upon to vote until they have had all the information possible.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this paragraph be concluded in 30 minutes. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I object; and I make the point of order that there is no quorum present.

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, the codification of the printing laws, and had come to no resolution thereon.

#### EXTENSION OF REMARKS IN THE RECORD.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of labor legislation in this Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, and I do not wish to object, is there any objection to the gentleman from Washington [Mr. HUMPHREY] having 10 minutes in which to address the House at this time? Well, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I think I am entitled to a slight explanation for the antics of the gentleman from Washington [Mr. HUMPHREY] to-day.

Mr. MANN. Oh, I have not made any requests on behalf of the gentleman from Washington.

Mr. HUMPHREY of Washington. Nobody has a right to make a request for me.

Mr. MANN. And no one has made any request.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of labor legislation.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of legislation in the present session of Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record on the subject of the legislation of this Congress. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand that it is expected to prevent this side of the House from discussing the iniquitous internal-revenue tax bill to-morrow, and all of the gentlemen on the Democratic side of the House are going to gag this side of the House upon that subject. In view of that fact, do gentlemen really think that it is modest on their part, in the light of their expected votes, to now ask permission to extend their remarks in the Record when this side of the House will not have any chance to extend its remarks in the Record?

Mr. BARNHART. Mr. Speaker—

Mr. MANN. Oh, I was not asking the gentleman from Indiana a question. He has not made any request.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. SAUNDERS]?

There was no objection.

#### ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, September 24, 1914, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of Quartermaster General of the Army of all receipts and expenditures of contingent funds collected from nonmilitary residents at Fort Monroe, Va., for fiscal year ended June 30, 1914 (H. Doc. No. 1165); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting draft of joint resolution to exempt the office of the Comptroller of the Currency from the provisions of the sundry civil act approved August 1, 1914, limiting the period within which copy for department reports shall be furnished the Public Printer (H. Doc. No. 1166); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting detailed estimate of an appropriation to cover the employment of additional counters and other employees necessary for temporary service in the offices of the Comptroller of the Currency, Treasurer of the United States, and the Division of Loans and Currency in connection with the issuance and redemption of additional currency (H. Doc. No. 1167); to the Committee on Appropriations and ordered to be printed.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 18927) to authorize State banks to form clearing-house associations and exempt them from the 10 per cent penalty; to the Committee on Ways and Means.

By Mr. MERRITT: A bill (H. R. 18928) for the purchase of a site and the erection thereon of a public building at Ticonderoga, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. REILLY of Connecticut: A bill (H. R. 18929) prohibiting the selling or shipping of foodstuffs to Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 351) relating to railway rates; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Joint resolution (H. J. Res. 352) providing for a commission to complete the acquisition of lands for the extension of the Capitol Grounds, and providing for the payment thereof; to the Committee on Public Buildings and Grounds.

By Mr. HARDY: Joint resolution (H. J. Res. 353) authorizing the Secretary of the Treasury and the Federal Reserve Board to prescribe rules, etc., upon issuance of emergency currency; to the Committee on Banking and Currency.

By Mr. UNDERWOOD: Resolution (H. Res. 626) for the consideration of H. R. 18891; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 627) directing the Secretary of State to transmit to the House copies of all documentary information in connection with the transfer of the steamship *Robert Dollar* from Canadian or British registry to American registry; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 18930) granting an increase of pension to Isaac W. Worrell; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 18932) granting a pension to Patrick O'Donohue; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 18933) granting an increase of pension to John M. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18934) for the relief of James Farrell; to the Committee on Claims.

By Mr. REED: A bill (H. R. 18935) granting a pension to Mary Ella Hoyt; to the Committee on Pensions.

Also, a bill (H. R. 18936) granting an increase of pension to George Dallison; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18937) granting an increase of pension to John Schultz; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18938) for the relief of Alfred W. Bjornstad, United States Army; to the Committee on Claims.

Also, a bill (H. R. 18939) for the relief of John A. O'Keefe, administrator of estate of William M. O'Keefe; to the Committee on Claims.

By Mr. TAVENNER: A bill (H. R. 18940) granting an increase of pension to William McGee; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 18941) granting a pension to Arthur J. Paradis; to the Committee on Pensions.

By Mr. BROUSSARD: Resolution (H. Res. 628) for the relief of Grace N. Hunt, widow of John T. Hunt, late an employee of the House of Representatives; to the Committee on Accounts.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Papers to accompany bill granting increase of pension to Isaac W. Worrell, first sergeant Troop I, Sixth Regiment United States Volunteer Cavalry; to the Committee on Pensions.

By Mr. CARY: Petition of United Master Butchers of America, favoring subsidizing of land by the Government for farming and raising stock; to the Committee on the Public Lands.

Also, petition of the transportation committee of the Merchants and Manufacturers' Association, protesting against tax on freight and express receipts; to the Committee on Ways and Means.

Also, petition of American Bowling Co., of Milwaukee, Wis., protesting against tax on bowling alleys, etc.; to the Committee on Ways and Means.

Also, petition of Milwaukee Clearing House Association and Merchants and Manufacturers' Bank, of Milwaukee, Wis., protesting against tax on bank capital; to the Committee on Ways and Means.

Also, memorial of Philadelphia Board of Trade, protesting against House bill 18666, providing for the ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Memorial of the National Association of Vicksburg Veterans, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, memorial of Philadelphia Board of Trade, protesting against H. R. 18666, providing for Government ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the United Master Butchers of America, relative to the Government subsidizing land for farming and raising live stock; to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: Petition of Robert Sage and R. B. Caldwell, of the Commercial Bank, Chester, S. C., against stamp tax on checks; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: Memorial of the Socialist Party of Waterbury, Conn., protesting against the actions of the Colorado National Guard in regard to Federal troops stationed in Colorado; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Woonsocket Lodge, No. 199, International Association of Machinists, of Woonsocket, R. I., favoring passage of H. R. 17830, relative to stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Miss Grace Fraser and Miss Catherine Millsbaugh, of Howell, Ind., in behalf of the Christian Endeavor Society and Epworth League, respectively, and the Indiana Sunday School Association, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Cynthia Hitchcock, president of the Woman's Christian Temperance Union, in behalf of 51 citizens of Hermon, N. Y., urging national prohibition; to the Committee on Rules.

By Mr. NORTON: Petition of citizens of Chaffee, N. Dak., protesting against a special tax on gasoline; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Memorial of W. S. Dunbar Literary Society, of Los Angeles, Cal., favoring passage of House bill 5139, relative to retirement of aged Government clerks; to the Committee on Reform in the Civil Service.

Also, petition of licensed officers of the Pacific against suspension of navigation laws of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Roosevelt Camp, No. 9, Department of California, United Spanish War Veterans, Los Angeles, Cal., relative to discharge of Spanish War veterans employed in civil service of the United States Government in Philippine Islands; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of Los Angeles, Cal., favoring amendment to section 85 of H. R. 15902; to the Committee on Printing.

By Mr. WATSON: Petition of sundry citizens of Amelia County, Va., respecting personal rural-credit legislation; to the Committee on Banking and Currency.

## SENATE.

THURSDAY, September 24, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day not to seek blessings from Thy hands for our Nation which Thou dost not freely give to all the nations of the earth, for Thou art not a respecter of persons. Thou hast made of one blood all nations that dwell upon the face of the earth. Thou hast fixed the bounds of their habitation and said, Thus far shalt thou go and no farther. But we come to Thee to get from Thee the inspiration of life. Thou art the sole center of truth and of righteousness and of life itself. We pray that we may be found in harmony with the divine will in carrying out Thy purposes among men. May our messages be of peace, and the influence that we exert weld together the great brotherhood of mankind. Let our ministries be for the welfare of the world. We ask Thy blessing and